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INTERNAL MARKET POLICY
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Frequently Asked Questions and Answers on citizens' EU rights

Disclaimer:

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TRAVELLING

Travel documents

1.

I am Danish. Can I use my Danish driving license as an ID document to travel to Germany?

In principle no. To establish that you are an EU citizen when crossing internal borders of the EU, you will need a valid travel document, i.e. either your national ID card or a passport. A driving license is not a national ID card which can be used as a travel document, regardless whether it can be used as such in your country for identification purposes and even if your country does not deliver official ID cards. On exceptional basis, border guards may grant you entry on the basis of your driving license but it would be unsafe to rely on that.

2.

I am German and I reside in Italy. To travel to France, can I use the ID card delivered to me by the Italian authorities?

No. That card, even if it is called an “ID card”, is in fact only a residence document and it cannot replace your German ID card or passport. On exceptional basis, border guards may grant you entry on the basis of your Italian residence document but it would be unsafe to rely on that.

3.

I am flying from Belgium to Spain soon and I realize that my ID card will expire before my return date. My passport has already expired. What can I do?

In principle your travel document needs to be valid throughout your trip abroad. You can run the risk of relying on flexibility often shown for documents not expired for more than five years, however, to be on the safe side, if there is no time to have either document renewed, you had better check in advance with the Spanish consular services and the airline that they will accept your expired ID card along with a certificate of renewal delivered by the Belgian authorities.

4.

I am taking my baby child to present him to my parents back in Poland. Does he need to have a travel document of his own?

Yes, even your baby needs a travel document. In principle, up to a certain age, your child may be included in your passport instead of having a travel document of his own. However, you should in any case seek confirmation from the local authorities in your country of residence and/or destination whether the inclusion of a child in the mother's or father's passport is sufficient, since some countries do require a separate travel document.

5.

My fifteen year-old son, an EU citizen, is going to travel with a friend’s family to their summer house in Italy. Will it be sufficient for him to carry his passport or ID card, or does he need something else?

It will depend on your place of residence. Some national legislations require the parents to sign an authorisation for their children to leave the country of residence without them. You are advised to enquire with the local authorities of your place of residence, but also with the consular services of the country of destination.

6.

My spouse is a non EU national and he has joined me, an EU citizen, in the UK. His passport is being withheld by the UK authorities in the process of his application for a residence permit and this has been going on for months now. Is it normal that in the meantime we cannot travel together to other EU countries?

Yes, he needs his passport to travel. However, an undue delay in withholding the passport may represent an obstacle to the right of the EU citizen and family members to move and reside freely so you should invite the UK authorities to return the passport as soon as possible.

7.

I am French and I plan to travel to Austria. Do I need to carry a valid travel document with me even if both countries belong to the Schengen area?

Yes. Even though systematic border controls have been abolished between Schengen countries, spot checks are still possible, at the border and inside the territory of the country of destination. Besides, if you are travelling by plane or by boat, the carrier is likely to ask for valid French ID card or passport.

8.

As an EU citizen travelling to another EU country, can I be denied entry because I have forgotten my passport or identity card?

No, border guards may not return you back without giving you reasonable time to have your passport or identity card brought to you. You should also be granted entry on exceptional basis if you can produce documentary evidence that you are an EU citizen by establishing your identity and nationality. In any event, it would be unsafe to rely on this and travel without a valid travel document.

9.

I was denied boarding on a flight within Schengen by the airline staff because I did not carry a valid ID card or passport. Can they do that?

The systematic border controls that have been abolished within Schengen are those carried out by border police. Airline companies continue to request proof of identity upon check-in for other purposes (e.g. to combat terrorism by making sure they know who is boarding the plane), and it is unsafe to count on their flexibility to accept expired documents or other types of ID.

10.

Must I carry my passport or national ID card with me at all times during my trip to another EU country?

It would be advisable to do so as you should be always able to demonstrate that you have a right of residence as an EU citizen.

Visas

11.

I am an Indian national resident in Ireland. I will be travelling to different European countries this summer. I heard about a uniform "Schengen" visa. Is it true that I don't need to apply for separate visas even if I wish to visit several countries?

Indeed, you will need just one visa to travel within the Schengen area for a maximum of 90 days in a six month period. The uniform Schengen short stay visa is currently valid for the following countries: Austria, Belgium, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Slovakia, Slovenia, Spain, Switzerland and Sweden.

12.

Where should I apply for a Schengen visa?

To check if you need to hold a Schengen visa and where to apply for one, contact the embassy or consulate of the country which is your only destination, your main destination (i.e. where you will

spend the longest period of time) or, if you do not have a main destination, your first point of entry. If you do not need a visa for the Schengen country which is your main destination or first point of entry do not forget to verify whether you need a visa for the other Schengen countries you wish to visit.

13.

Can I return one or more times to the Schengen uniform visa area within the six month period?

Yes, you can. If that is your intention, you have to apply for a multiple entry Schengen visa. This will allow you to enter the Schengen area as often as necessary within the six month period, with the total number of days spent there not exceeding 90.

14.

I am Italian and my husband and children are Colombian nationals. Will they need a visa to travel with me from Brazil, where we live, to Spain?

They will need a visa because Colombia is on the list of countries whose nationals require a visa. However, as family members of an EU citizen travelling with you, they have a right to obtain the visa and can get it free of charge and under an accelerated procedure. Besides, a uniform short stay visa will be valid for all countries of the Schengen area.

15.

What if I want to travel with my family from Colombia to Italy, my home country? Will EU rules not apply then?

Until recently, the reply would have been clearly no, on grounds that, since Italy is your own country and since you do not qualify as EU citizen having exercised his/her rights of free movement within the EU before returning to Italy, your family rights there are defined by Italian, not EU, legislation. However recent EU Court jurisprudence appears to change the perspective by defining EU citizens' family rights with reference to fundamental rights, not free movement rights; If this is confirmed, you should be able to claim such rights regardless of having moved within the EU.

16.

And what if we want to travel with non-EU wife from Italy, my home country, where we both live, to the UK? Would she need to apply for a UK visa?

Unless your wife holds a "Residence card of a family member of a Union citizen" issued under EU rules – not a residence permit issued under Italian law – she will have to apply for a visa (if her nationality is subject to it) since the UK is not a Schengen country, and thus the principle of mutual recognition of short-stay visas does not apply to the UK. This visa must however still be issued free of charge and as soon as possible and on the basis of an accelerated procedure.

17.

I am an EU citizen and my wife is a non-EU citizen living with me in the Netherlands, where she works. She will need to go to other EU countries for her work for a couple of weeks. Will she need a visa?

It depends on where she intends to travel. If she intends to go to a non-Schengen country, and if her country is on the list of countries whose nationals require a visa to enter this non-Schengen country – check this with the relevant consular services – she will need a visa. She will not be able to rely on EU rules to the effect that the visa should be free and delivered swiftly, since she will not be travelling with you or joining you. If instead she intends to travel to Schengen countries, she can use her Dutch residence permit together with her passport, as equivalent to a visa.

Right of entry

18.

I was expelled from France some years ago after being convicted there. That was before my country joined the EU. Could I still be denied entry today?

As an EU citizen, you are free to enter and reside, subject to some conditions, in the other EU countries. This fundamental right of free movement can be restricted on grounds of public security, public health and public order. However, this restriction must be interpreted strictly, and it is only on grounds of present and serious threat to public security that you can be forbidden to enter France or any other country. The mere existence of past convictions is not sufficient. If you are still subject to an exclusion order, you may submit an application for its lifting after a reasonable period, depending on the circumstances, and in any event after three years after your expulsion, by putting forward arguments to establish that there has been a material change in the circumstances which justified your expulsion.

19.

I am Swedish and I live in France with my Chinese partner. I want to go on a trip to Sweden with him. Does he have the right to enter the country as member of the family of an EU citizen?

Since you are returning to Sweden, your own country, as resident in another EU member state, you are in a position to invoke family rights under EU law. However, it remains to be seen whether your partner can be assimilated to your spouse for family rights, and this is to be examined under Swedish legislation (not French legislation or the legislation of any other country where you are possibly registered as partners).

Passenger rights and package holidays

20.

Can I take my wheelchair or crutches with me onboard an aircraft?

Yes, if your flight is inside the EU or to the EU (if it is an EU carrier) or from the EU, you can take up to two personal-assistance devices with you in the luggage hold (e.g. a wheelchair and a pair of crutches). However, the possibility to use them or to take them with you onto the aircraft cabin is subject to applicable safety rules and to the size of the plane. You may therefore not be denied boarding because of your reduced mobility, unless the aircraft is physically too small or because of safety concerns. If you want to receive free assistance at all stages of your journey, including help to board the plane and in terminals, be sure that you notify your "passenger with reduced mobility" condition in advance to the carrier company. The same rules apply to travelling by plane or by ship.

21.

My flight from Mexico to Madrid was delayed and I arrived in Madrid with a delay of more than 3 hours. What sort of compensation can I claim?

If you travel from a third country to an EU/EEA/Swiss airport, EU law applies only if the airline you fly with is an EU/EEA/Swiss airline. In this case, your airline should always inform you about your rights and the reason for any denied boarding, cancellation, or long delay. If the delay at departure is of more than 2, 3 or 4 hours, according to the length of the flight, you are entitled to care by the airline in relation to the waiting time (phone call, refreshments, meal, accommodation, transportation to the place of accommodation). In addition, if you get to your final destination with a delay of three hours or more, you may, under certain conditions, be entitled to compensation of between €125 and €600 depending on the distance of the flight and the delays experienced, unless the airline can prove that the delay was caused by extraordinary circumstances.

22.

I have asked for the reimbursement of my ticket but this was refused. Was that legal?

Maybe. Only if you were denied boarding, if your flight was cancelled or delayed for more than 5 hours you would have had the right to have your unused ticket reimbursed if you decide not to continue your journey. Besides, if necessary you have the right to be flown back to where you originally started your journey. You could instead have asked to be rerouted to your final destination. In the latter case, you would have been entitled to reasonable care (e.g. refreshments, meals, and communications such as a free phone call) and maybe an overnight stay, depending on the flight distance and the length of delay suffered.

23.

I was denied boarding on an EU flight. Can I claim reimbursement and compensation?

Maybe. In case of denied boarding (e.g. due to overbooking) the rules regarding re-routing and care are the same as for long delays, and you are indeed entitled to compensation, unless you were not "denied boarding" but just refused transportation on reasonable grounds (e.g. because you failed to carry the necessary travel documents or got too late to the check-in or to the boarding gate, or failed to respect security and safety rules). You are not entitled either if you volunteered and agreed with the carrier to give up your reservation in exchange for certain benefits.).

24.

If my flight was cancelled due to unsafe flight conditions, can the airline deny me reimbursement and compensation?

Compensation will not apply if the circumstances qualify as extraordinary, but in any case you are entitled to reimbursement of your ticket (in full or for the part that you have not used) or rerouting, at your choice, and the airline is obliged to provide you with assistance (e.g. reasonable refreshments and meals, means of communication) while you are waiting for re-routing.

25.

My train was 45 minutes late. That seems quite a lot for a short journey of less than 3 hours. Am I entitled to any money back?

No. Only if it can reasonably be expected that the delay at the arrival will be more than 60 minutes, you will immediately have the choice between the reimbursement of the ticket price or re-routing under comparable transport conditions (even at a later date of your choice). If the delay is not due to exceptional circumstances, you will be entitled to a compensation of 25% of the ticket price for delays of 60 to 119 minutes and of 50% of the ticket price for delays of 120 minutes or more. In addition, in case of delays of more than 60 minutes, you are entitled to adequate assistance such as for example meals and refreshments, accommodation where an overnight stay becomes necessary. These rights are subject to exemptions possibly granted by Member States, e.g. for domestic, regional or local services.

26.

I booked a holiday at a 5-star hotel in Paphos, Cyprus, through a tour-operator in Finland. When we arrived, we discovered that we had been moved to a 3-star hotel several kilometres from Paphos. What are my rights?

Your holiday is a package travel under EU rules if it is of a period of more than 24 hours and is sold at an inclusive price for transport and accommodation, or for accommodation and other tourist services (e.g. meals, excursion tours) accounting for a significant proportion of the package. In that case, the contract is binding on the tour-operator. Under EU rules the tour-operator must offer you compensation for not complying with the contract, whatever the reason may be, except in cases of *force majeure.*

27.

The tour-operator says that my original hotel was closed for refurbishment and claims that this is beyond their control. Is that right?

No, a refurbishment is predictable and would normally not be beyond their control. If the tour-operator was aware of this before departure he should have notified you as quickly as possible in order to give you the choice to cancel the contract or to accept the proposed alterations (and their impact on the price). If the tour operator became aware of this after your departure, the tour operator is required to find alternative arrangements for the continuation of the package and compensate for difference between the hotel offered and the hotel actually supplied. You are, however, in any case not entitled to such compensation if the refurbishment was caused by a force majeure situation (an example of this could be that refurbishment was required due to a fire which happened in the hotel after the contract was signed) .

28.

Can the organiser of my travel package unilaterally change the price stipulated in the contract?

The prices stipulated in the contract may not be changed later than 20 days prior to departure and not unless the contract expressly provides for this possibility. In such a case, only variations in transportation costs, dues, taxes or fees chargeable and exchange rates may be reflected in the price. If the organiser alters the contract significantly, you may either withdraw from the contract without penalty or accept an amendment to the contract. If you withdraw from the contract, you are entitled either to take an alternative package or to be reimbursed the sums paid.

Disabled persons, seniors and students

29.

Can I use my Italian student's card from my home country to benefit from reduced public transport fares in Sweden?

It will depend on the flexibility of the transport company. Student cards are not automatically recognised in their wide variety and you may be required to show a local student card. This would be in strict conformity with the equal treatment principle, which implies that you, as an EU citizen, must be treated equally with the Swedish students if you study in Sweden. Note instead that, if age is the criterion for fare reduction, then your age is well established with your ID document and you can claim equal treatment.

30.

As a Dutch pensioner visiting Belgium, will I be entitled to cheaper access to museums there?

If the reduced price is for people over a certain age, and you meet that condition, then you can claim equal treatment with the Belgians of your age, based on your ID document, regardless of nationality or residence.

31.

I am a disabled driver. Will my status be recognized if I travel to other EU countries, e.g. for access to reserved parking places?

Since 2000, all general disabled parking permits in the EU have been standardised to a common style and blue colour, leading to the officially-used designation "Blue Badge" or European parking card for disabled. Such a card issued in one country of the EU is generally given equal recognition in others, but you are subject to the local rules on the use of the card, which differ from country to country. If you still use an old type of badge, it will probably not be recognised even if it is still valid in your country of residence.

Cash

32.

Is there a formality I need to be aware of if I want to carry a large amount of cash with me on a trip to another EU country?

Yes. If you travel to a country outside the EU with € 10.000 or more in cash (or its equivalent in other currencies) you must declare it to the customs authorities. If you enter the EU with the same amount, you are under the same obligation. Within the EU there is no limit to the free movement of capital but there are some national regulations that impose formalities on people carrying large sums of money.

Pets

33.

I am a British national and I want to travel to Malta with my pet. I have heard about a European pet passport. How does that work?

You can freely travel with your cat or dog if it has a European pet passport. This passport is available from any authorised vet and must contain details of a valid anti-rabies vaccination. For other pets, you should check with relevant national authorities about UK and Maltese rules on taking animals in/out of the country. Moreover, even for cats and dogs, note that Malta, like some other EU countries, also requires all animals to be microchipped,_treated against ticks and tapeworms and to have undergone a rabies antibody titration tests according to national rules. So it is better to check with the consular services before departing.

Medical treatment needed while travelling

34.

Will I and my family members be covered by my social security health insurance if we need medical treatment abroad?

Yes, if you use the European Health Insurance Card (EHIC), delivered by your social security institution before you leave your country of insurance. If you fall ill unexpectedly or have an accident while you travel or stay temporarily in another EU country, you are covered for all necessary medical care and treatment you need to ensure your health and safety if it is provided by a doctor affiliated to the public health sector. Necessary healthcare includes treatments that can avoid you having to return home before the end of your planned temporary stay abroad. It is up to the healthcare provider to determine which treatment is necessary considering the length of your stay. Ask the doctor whether he or she is affiliated to the public health care system and accepts the European Health Insurance Card and make it clear that you do not want to be treated as a private patient. Each separate member of a family travelling should have their own card.

35.

Am I entitled to a European health insurance card even if I am not an EU citizen?

Yes. Third country nationals who are covered by a state social security scheme in any Member State of the European Union are also eligible for a card. However, as an exception, third country nationals cannot use their card for medical treatment in Denmark.

36.

Why was I still asked to pay for the unforeseen medical treatment received abroad even though I showed my European health insurance card?

The European health insurance card (EHIC) makes it easier to get necessary medical care on the spot under the local conditions. The local rules may provide that only a part of the expenses are covered, in which case you have to support the rest. The local rules may also provide that you have

to pay upfront and then seek reimbursement, in which case you can request reimbursement directly from the health insurance authorities of the country where you received treatment; if you are unable to do so during your stay, you can still put in your claim with your insurance institution at home, but it will be at the conditions of your country of insurance.

37.

What should I do if I have forgotten or lost my card?

If you have forgotten or lost your European health insurance card (EHIC), you can ask your health insurance body to fax or e-mail you a provisional replacement certificate. This will confirm the same entitlement as the card does. Alternatively, you can put in your claim with your insurance institution when you return home.

38.

I'm pregnant. Will the European Health Insurance Card cover my related medical treatment during a stay in another Member State?

Yes. The European Health Insurance Card covers all medical treatment in conjunction with your pregnancy, including child birth, while you are staying temporarily in another country unless you are actually planning to give birth during your temporarily stay abroad. If you are planning to give birth in another country, please contact your health insurance institution for more information.

39.

I have a chronic medical condition for which I have to see the doctor regularly and I want to go to another Member State for a temporary stay. Will the European Health Insurance Card cover me for medical treatment there?

Yes. If you have a chronic medical condition (for example, in cases of asthma, diabetes, or cancer) you are entitled, during your temporary stay in another Member State, to treatment that is considered necessary, taking into account your medical condition. In these cases, you may need to contact a healthcare provider in advance to secure the access to the equipment or treatment you require. However note that the European Health Insurance Card does not entitle you to scheduled treatments, i.e. it does not cover your medical costs if the purpose of your trip is to seek treatment.

40.

What if the reason of my trip to Germany is to seek health treatment where it is more available or more convenient for me?

If the reason for traveling abroad is to receive a treatment, you cannot rely on your EHIC. If the treatment you wish to receive is a hospital treatment you will need a prior authorisation from your competent institution. In the case of non-hospital treatments, the prior authorisation will always be required if you want to benefit in Germany of the same conditions of treatment as the persons insured there. However, it shall not be required if you want to receive the reimbursement for the non-hospital treatment received in Germany according to the reimbursement tariffs of your country of insurance.

41.

Would I be able to use the European Health Insurance Card to arrange to be transported back to my home country if I had a serious accident or suffered a serious illness?

No. The card can be used to get easier access to medical treatment but it has nothing to do with repatriation. The card will not help transport you back home free of charge if you were to fall seriously ill or suffer a serious accident. For that situation, you will need separate insurance cover.

RESIDENCE

Conditions of the right of residence

42.

I have been offered a job in another EU country but it is part-time and not well paid. Could the local authorities deny me the right to stay?

No. Provided that your work is effective and genuine, you have the right of residence in the country where your work is located. This is a corollary of your freedom to work in another country. It does not matter that you may have to rely on the local social assistance for persons with a low income. You should therefore not be required to show that you have sufficient resources to support yourself and your possible dependents. The same rules apply if you are a self-employed worker with an activity which does not generate sufficient income.

43.

What if I lose my job? Can I be expelled from the country?

Not if you are in duly recorded involuntary unemployment or have embarked on vocational training. In that case you retain your status of migrant worker (at least for six months, if you worked less than a year). The same applies if you are temporarily unable to work as a result of an illness or accident. In any case, you retain the right of residence either if you have sufficient resources and comprehensive sickness insurance or if you have resided in your new country for over 5 years (permanent residence).

44.

I am Czech and I would like to move to Austria to look for a job there. How long can I stay there before I find a job?

As an unemployed job-seeker, you are allowed to stay in Austria for at least 6 months, and even longer, even if you do not have any income or unemployment benefits from your country of provenance as long as you can show that you are genuinely looking for a job and have a real chance of finding one. You can prove this with copies of job applications, invitations to interviews or positive reactions to your applications, for instance.

45.

My husband and I plan to retire in the south of France. We are both UK nationals. Are there any conditions to our right of residence in France?

Yes. As economically inactive migrants, you will be required to show that you have sufficient resources for both of you – and possibly for your dependent family members joining you – in order not to become a burden on the French social assistance during your period of residence, and that you have comprehensive sickness insurance cover.

46.

What are sufficient resources and how can one prove them?

There is no fixed amount of resources which can be imposed as “sufficient”. The authorities must take into account your personal situation. In any case, you meet the condition if your resources are higher than the threshold below which the nationals of the host country become eligible for social assistance, or higher than the minimum social security pension paid by that country. Sufficient resources can be proved by any available means, including bank statements or pension slips. You cannot be obliged to show bank account extracts if you do not wish to use that means of proof.

47.

I am Belgian and I am studying in the Netherlands. The local authorities, to grant me the right to stay, are asking me to prove that I have comprehensive sickness insurance cover and sufficient resources. Can they do that?

Yes, but as far as sufficient resources is concerned, it is sufficient for students to simply make a declaration that you have sufficient resources not to become a burden on the Dutch social assistance scheme. For instance you can declare that your parents are paying money into a local bank account every month.

Family members

48.

If I move to another EU country for work, do I have the right to be joined there by my family members?

Yes. As a general rule, EU citizens who meet the conditions for the right of residence in another EU country have, as a corollary, the right to be accompanied or joined there by their family members, whatever their nationality, even if they are not EU citizens themselves. The host country will have no scope for discretion in recognising their right to stay – except on grounds of public order, public security or public health.

49.

Does that include my brother, who has always lived with me till now?

Not necessarily. "Family members", as defined by EU rules, include: your spouse (or your registered partner where the host country recognises registered partnerships as equivalent to marriage); your direct descendants of under the age of 21 or dependant, and those of your spouse (or registered partner); your parents or grand-parents and those of your spouse (or registered partner). Only these family members are recognised as having an "automatic" right to reside with you in the country where you legally stay as an EU citizen. Your other family members – e.g. brothers and sisters, cousins, aunts, de facto partner with a duly documented durable relationship – will only have the right to have their entry "facilitated", based on extensive examination of their personal circumstances, in order to maintain the unity of the family in a broad sense. For example, if your brother is dependent on you or is a member of your household or requires your personal care due to health reasons, he has the right to have his entry "facilitated". The authorities should justify and notify in writing a refusal of entry or residence, and this refusal is subject to appeal.

50.

I am moving to Ireland and my Japanese spouse and I would like to be joined there by her 22-yeal old Japanese son of a previous marriage, who is dependent on us, so that he can undertake studies there? Is that possible?

Yes. Since he is your wife's son and dependent on you, he can join you in Ireland.

51.

If my brother is eventually recognised as having the right to stay with me in the Slovakia, will he also be able to work in the Slovakia, even though he is not an EU citizen?

Yes. If your brother is recognised as having the right to stay with you in Slovakia, then he will enjoy the full rights for your family members, on equal footing with e.g. a spouse.

52.

I am going to do a few years of study in the UK as an EU citizen. Could my parents join me even if they are from India?

Not automatically. The problem is not that they are not EU citizens, but that there is an exception for students: only your spouse (or registered partner) and your dependent descendents have the “automatic” right of residence with you in the UK. Your other family members, including your parents, will only have the right to have their entry facilitated. UK authorities should justify and notify in writing a refusal of entry or residence, and this refusal is subject to an appeal.

53.

My wife and I are Turkish but our son, age 7, born in the UK, is a UK national. Could we rely on his right of free movement within the EU and our family rights to all move to Germany?

Yes. Since as parents you are responsible for your child, you may decide that it is in his best interest, for instance for his upbringing and education, to move to Germany, and therefore establish yourselves there with him. However, to settle in Germany, you would need to show that the family has sufficient resources and comprehensive sickness insurance.

54.

What if I want to move with my Ukrainian husband from Germany to Poland, my home country? Will I be able to invoke EU rules on the right to stay for family members?

Yes, because by living in Germany you qualify as EU migrant citizen upon returning to your home country.

Retention of the right of residence

55.

I am Estonian and I came to Germany 3 years ago as the wife of a migrant Estonian worker. My husband is divorcing me. Does that mean that I will lose my right of residence in Germany?

You may retain the right of residence in Germany even after the divorce if you meet the conditions of the right to stay in your own capacity, as an EU citizen, for instance if you work or have sufficient resources and comprehensive sickness insurance. The same rules apply in case your spouse leaves Germany, or in case of his death.

56.

What if I am Russian? Do I also retain the right of residence in Germany in case my Estonian husband is not there for me anymore?

If you do not already have a permanent right of residence, i.e. if your right of residence is still dependent on your husband’s, then you need to satisfy additional conditions, as a third country national, in order to retain the right of residence: you must have resided in Germany with your husband for at least one year before his death or departure, or before your divorce (or termination of registered partnership); in addition, in case of divorce (or termination of registered partnership), the marriage (or registered partnership) should have lasted at least 3 years.

57.

And what if my husband divorced me right after our arrival in Germany? Does it make any difference that I have the custody of our child?

Yes, it does make a difference. In that case you retain the right to reside in Germany, the country of residence of the child, provided that the court that pronounced the divorce ruled that the father’s access to the child must be in Germany. The same would apply in case it is the father who is granted custody and you are recognised a right of access in Germany.

58.

My German husband died and I, as a Nigerian, have not lived with him in the UK long enough before his death, but our daughter (also Nigerian) is attending an English school. Would we nevertheless have to leave the UK now?

No. Your husband's death (or indeed departure) should not affect the right of residence of his child and therefore of your own right of residence, as the parent who has the actual custody of the child. Irrespective of the child's nationality, if she is enrolled at an educational establishment in the UK, you will both keep the right of residence at least until the completion of her studies.

59.

I am resident in Italy and I have been offered a job in Belgium. Can I keep my residence in Italy?

Whilst it is possible to be resident in two countries, you should be aware that this can have very concrete implications e.g. on taxation, car registration, social security, etc. For that purpose, your country of residence is the place where you "habitually reside" in other words, where your "centre of interests" is, based on criteria such as the duration of your presence on the territory of the countries concerned, but also your family status and ties, your housing situation, the place where you pursue your activities, the characteristics of your professional activity and the source of your income. In any case, you will have to register as resident in Belgium if you stay there for over 3 months. If you do not de-register in Italy, or for instance are able to keep a "domicile" there, make sure your effective residence is clear on all sides in order to avoid legal complications.

Formalities

60.

I have been told that, as an EU citizen, I no longer need to apply for a residence card. Is this correct?

Yes. To reinforce the idea that EU citizens have a right of residence in another EU country independently from the holding of a residence card, this formality has been abolished for them and replaced (if so provided by the legislation of the host country) by an obligation to register with the local authorities.

61.

How do I prove that I am legally resident, then, if I don't receive a residence card?

Your registration certificate is evidence of legal residence. Please note that it is not, however, a condition of legal residence; in other words, until you receive a registration certificate, you can prove your right of residence by any other mean available to the nationals of the host country.

62.

When should I register exactly: within my first 3 months of residence or when I exceed this period? I read contradictory information about this.

EU rules require registration (if applicable) only if you stay in the host country for more than 3 months. Therefore, you should not be asked to register before the expiry of the 3-month period.

63.

I regularly go to France to work as a seasonal worker, often more than once a year. Do I have to register if the overall stay in France in the year exceeds 3 months, but every single period of stay is shorter than that?

No. Registration can be required only for continuous stays of more than 3 months.

64.

The local authorities will hand me a registration certificate only after that they have checked that I meet the conditions of the right to stay. Is that in conformity with EU rules?

The registration formality allows the local authorities, among other things, to check that you comply with the conditions of the right to reside for periods over 3 months. It is therefore normal that you should be asked to present the documents which demonstrate that you fulfil those conditions.

65.

What documents can I be asked to produce to obtain the registration certificate?

A valid identity card or passport and proof that you comply with the conditions for the right of residence, depending on your situation: a confirmation of engagement or certificate of employment, or proof of self-employment, if you are a worker; proof of enrolment at an accredited educational establishment and of comprehensive sickness insurance cover, plus a declaration or proof that you have sufficient resources, if you are a student; otherwise, proof of comprehensive sickness insurance cover and of sufficient resources.

66.

How long should the validity of the registration certificate be?

Registration certificates should be issued with an unlimited validity.

67.

And what about my family members, if they are EU citizens themselves?

If they register simultaneously with you, they will only have to show, in addition to the documents required of you, their identity card or passport and a document attesting to the existence of a family relationship with you and documentary evidence that they are dependent on you, if applicable. In the case of your family members who simply have a right to have their entrance facilitated, they must present a document issued by the relevant authority in your country of origin stating that they are your dependants or members of your household, or prove the existence of serious health grounds or of a durable relationship with you.

68.

Can we be required to submit a certified translation of our marriage certificate?

Yes. You can obtain this through the consular services of your country.

69.

And what if my family members are not EU citizens?

Then, in producing the evidence indicated above, they will have to apply, not for a registration certificate, but for a residence card. This card will have to be issued within 6 months from application and be valid for 5 years – or the envisaged period of stay, if shorter. Your family members should receive a certificate of application for the card immediately, upon application.

70.

I am now well into my first year of residence in Slovenia and I realise I forgot to register with the local authorities and I would like to put my situation in order. Do I risk being expelled?

No. However, depending on the country, you can be fined for failure to register. The fine must be proportionate with fines paid by the nationals of the host country for failure to comply with similar administrative obligations.

71.

I am on a 7-month posting in Belgium and I am staying at a friend's house. Do I still need to register with the local authorities?

Yes, since it is compulsory in Belgium for all citizens staying longer than 3 months in the country, as contemplated by EU rules. There is no exception for posted workers, persons without their own address or any other special circumstances.

72.

Can I be asked to pay for the registration certificate or for the residence card?

Only if the nationals of the host country also have to pay a fee for the issue of similar documents, such as identity cards, and the fee should not be higher.

Right of permanent residence

73.

I am Spanish and I have been living legally in Italy for more than 5 years. Can the Italian authorities still ask me to prove that I am employed or that I have sufficient resources in order to renew my registration certificate?

No. After 5 years' continuous legal residence, you automatically have the right to permanent residence. You should apply for a document certifying permanent residence, which confirms that you have the right to stay in Italy without being subject to the initial conditions anymore. You are not obliged to ask for it, but it might be helpful to prove your status as a permanent resident. It should be issued to you as soon as possible upon application.

74.

From what date exactly will the 5-year period be counted?

From when you actually took up residence, not from when you first received a registration certificate

75.

What if I have often left Italy for 3-month periods, to see my family in Spain?

The continuity of your residence in Italy is not affected by temporary absences not exceeding a total of 6 months per year.

76.

And if I was absent of Italy for over 6 months because I was posted by my Italian employer to work in Argentina?

As an exception, the continuity of your residence is not affected either for one absence of more than 6 months and no more than 12 consecutive months, if it is due to your posting abroad (including to a non-EU country). Other acceptable absences, under the same conditions are for pregnancy and childbirth, serious illness, and study or vocational training. For a compulsory military service, the absence may even exceed one year.

77.

I am British and I worked in Ireland before becoming permanently incapable of working due to an accident at work. I am on a very low income. Can the Irish authorities question my right of residence on the basis of insufficient resources?

No in case of accident at work you acquired the right of permanent residence immediately, with no condition as to the length of residence,, as a result of your accident. The same would apply in case of occupational disease.

78.

And what if I simply stopped working due to going on retirement? Can the Irish authorities ask me to prove that my pension is sufficient?

In that case also, some flexibility is introduced in respect of the general condition of 5 years of continued residence. It is sufficient that you resided in Ireland for at least 3 years and to have been working there (or have resided there as a cross-border worker) for at least the preceding 12 months, before stopping work. This applies equally to retirement and to early retirement, provided you have reached the age laid down by Irish law for entitlement to an old age pension or early retirement.

79.

I came to live in Portugal with my French husband 6 years ago and my husband died 2 months ago. I have no independent income and I am on my own. Could the Portuguese authorities question my right to remain in Portugal?

No. Your husband and you – irrespective of your nationality – acquired a right of permanent residence in Portugal after 5 years, and this right is no longer subject to the condition of sufficient resources.

80.

What if my husband died before acquiring the right of permanent residence?

If, as a family member, you retained the right of residence after your husband's death and eventually reached 5 years of continued residence, you acquired the right of permanent residence in your own right, irrespective of your nationality. If your husband resided in Portugal as a worker or self-employed person and he lived in Portugal for at least two continuous years before dying, or if your husband's death resulted from an accident at work or an occupational disease, and he lived in Portugal for at least two continuous years before dying, then you acquired the right of permanent residence immediately upon his death.

81.

I am tempted by a fixed-term employment contract abroad. Would I lose my acquired right of permanent residence in Sweden if I signed the contract?

Only if your absence exceeds two consecutive years.

82.

And what if it is cross-border work – i.e. I would work in Denmark but come back to Sweden at least every week? Would the two-year limit also apply?

No. As a cross-border worker, you keep your residence in Sweden. This applies, not only for the purpose of keeping the right of permanent residence, but also for the purpose of acquiring it; in other words: working as a cross-border worker in another country would not interrupt the continuity of residence.

83.

I am a Finnish pensioner in Italy and I meet all the conditions for the right of residence. Why am I not given a permanent residence card?

Your confusion is understandable. Residing in a country for more than 3 months is often described as being a "permanent resident" there. However, this does not mean that you automatically acquire, under EU rules, a right of permanent residence. That right will be recognised after you live in Italy for five years.

84.

How long is the certificate of permanent residence valid for, and when do I have to apply for it or renew it?

The certificate should be valid for no less than 10 years. You must apply for it or for its renewal before your previous certificate expires. You could be fined for failing to do so, if national legislation so provides.

<u>**Possible restrictions**</u>

85.

I was convicted in Italy for armed robbery and went to jail, after which I was expelled to my home country with an exclusion ban. In the meantime, my country joined the EU and I became an EU citizen. Can I return to Italy?

Even if you are an EU citizen, Italy may deny you the right of entry or residence on grounds of public policy and public security, but this decision must be based exclusively on your personal conduct, which must present a genuine, present and sufficiently serious threat affecting one of the fundamental interests of society. A previous criminal conviction does not in itself suffice to justify denied entry or residence. In any case, you can apply for a lifting of the ban 3 years after your expulsion.

86.

I have acquired the right of permanent residence in my new EU country. Does that protect me against expulsion in any circumstances?

No. You can still be expelled, but due to the duration of your residence you can be removed only when you are a <u>serious</u> threat to public policy or public security, and the authorities will have to take into account the duration of your residence and other criteria of integration in your new country before taking the decision to expel you. Note: if you have resided in the country for the previous 10 years, you have increased protection: you can be expelled only on imperative grounds of public security.

87.

I am Polish and reside in the UK. The UK authorities appear to doubt that my marriage to a woman from Congo is genuine, and delay the issuance of her residence card as my family member. Can they do that?

If the UK authorities have reasons to doubt of the sincerity of your marriage and believe that it could be a marriage of convenience, and are able to establish it, they would always be able to withdraw the right of residence on grounds of fraud or abuse of rights later on, if applicable. In other words, doubts should not suspend the exercise of your rights before the doubts are confirmed.

<u>**Equal treatment**</u>

88.

As an EU citizen, am I entitled to social assistance for low-income families in my new country of residence on the same basis as the national citizens?

Yes, under certain circumstances. You are entitled to equal treatment for all social benefits, including social assistance (i.e. non-contributory social benefits), when you reside in another EU country. However, the host country may decide not to grant you the entitlement to social assistance for the first 3 months of your residence if you are not a worker or a person retaining the status of worker, and for an even longer period if you arrive in the country as a job-seeker.

89.

I am an EU citizen who moved to France a few years ago and my right of residence was recognised on the basis of having sufficient resources. Could I lose my right of residence if I apply for social assistance now?

It depends. If you have worked in France in the meantime and retain your status of migrant worker, or if you have resided in France for over 5 years, your right of residence is not conditional upon having sufficient resources anymore. If it is – e.g. if you are a student or are inactive – then your right might be terminated if you become an unreasonable burden on the French social assistance system. However, applying for social assistance when you are in need does not automatically mean that you could be expelled. The French authorities must examine whether it is a case of temporary difficulties, taking into account the duration of your stay, your personal circumstances and the amount of aid granted.

Long-term resident third country nationals

90.

What if I am not an EU citizen? Am I not entitled to equal treatment based on residence?

Not under EU rules – if considered autonomously and not as the family member of an EU citizen – at least not before you reach 5 years of continuous legal residence in the host EU country. When you do, you acquire the status of long-term resident non-EU member country national and enjoy, under EU law, equal treatment with nationals as regards, namely, access to employment and conditions of employment, education and vocational training, recognition of qualifications and study grants, social security benefits and social assistance. In certain cases, the host country may restrict equal treatment with nationals with respect to access to employment and to education (e.g. by requiring proof of appropriate language proficiency). In the field of social assistance and social protection, Member States may limit equal treatment to core benefits. They are nevertheless free to add to the list of areas in which they grant equal treatment with nationals or the list of benefits they provide for their nationals. Note also that long-term residents enjoy enhanced protection against expulsion.

91.

Do I automatically get the status of long term resident, like EU citizens acquire the right of permanent residence after 5 years?

No. In order to obtain long-term resident status – a status which will need to be recognised with a special residence permit – non-EU member country nationals must still prove that they have: stable resources sufficient to live without recourse to the social assistance system of the host country and sickness insurance for themselves and their family (if dependent). You may also be required to comply with further integration conditions, such as sufficient knowledge of a national language.

92.

I am Moroccan and my status of long term resident in Spain has been recognised. Why is it that my status is not recognised in France, where I would now like to settle?

As a long-term resident of one EU country, you may exercise the right of residence, for a period exceeding three months, in another EU country, e.g. France, but this right is subject to compliance with certain conditions, namely that you exercise an economic activity in an employed or self-employed capacity, or pursue studies or vocational training. You remain subject to the condition of sufficient resources and, moreover, France may limit the number of residence permits for the admission of non-EU member country nationals and, for reasons of labour market policy, give preference to EU citizens.

93.

Will I have lost my status of long term resident in Spain, if I fail to settle permanently in France and return to Spain?

No, you will retain your status in Spain until you have acquired the same status in France. Even if you acquire the status in France after 5 years of residence there, and eventually lose it because it is withdrawn to you – e.g. on ground that you have become an unreasonable burden on the French social assistance – Spain is obliged, as a general rule, to readmit you, together with your family members.

Electoral rights

94.

As a UK national and EU citizen, do I have the right to take part in all elections in my EU country of residence?

Under EU rules, you have the right to vote, and also to stand, only in municipal and European Parliament elections. However some countries provide for an extended right to vote for foreign residents. The fact that you have lost the right to vote in national elections in the UK due to a long absence does not give you special voting rights in the host country in this respect.

95.

Does that mean that I can vote in local and in European elections both in my country of nationality and in my EU country of residence?

It is for the legislation of your country of nationality to determine your voting rights while you reside abroad. What is certain is that, if you choose to vote in the local elections of your state of residence, this will not automatically disqualify you from voting in your country of origin. Instead, for the European Parliament elections, you are of course entitled to vote either in your country of origin or in your country of residence; if you register to vote in your country of residence, your home country will be automatically informed, in order to avoid that you cast two votes for the same elections. You remain registered for European elections in the country were you last registered, until you re-register in another EU country.

96.

I have just moved to Luxembourg, and I am told that there is a waiting period before I can vote in municipal elections. Is that legal?

Probably. In general, EU states are not permitted to require you to have resided in a certain municipality for a certain amount of time before giving you the right to vote. However, if this requirement of minimum time of residence is imposed on their own nationals in the same way, the requirement would then also apply to you. A notable exception to this rule is that Luxembourg may impose such a requirement on foreign EU nationals within certain predefined situations.

97.

I am French and I reside in Belgium, where it is a legal obligation to vote. Am I subject to this obligation?

Only if you register to vote in Belgium and are therefore on the electoral lists. Only in that case will you be subject to equal treatment with Belgian nationals. The Belgian authorities may not automatically register you on the basis of your residence, precisely because they have a system of obligatory vote and you may wish not to be subject to this obligation.

FAMILY RIGHTS

Couples

98.

My fiancé and I live both live in Slovakia and we would like to get married in Italy, during a holiday there. Is that possible?

It will be for the Italian authorities to decide. Normally they would request some kind of link to Italy, i.e. either residence or the nationality of at least one of the spouses. If you are allowed to celebrate your marriage in Italy, it will be recognised throughout the EU. However, if you choose to have only a religious marriage – as is possible in Italy – check that this will be recognised as equivalent to a civil marriage in your country of residence and in your home country or countries. In any case, it is a good idea to register your marriage at a consular office in the country where you live.

99.

My same sex partner and I live in Germany and I am Belgian. Can we get married in Belgium and have our marriage recognised in Germany?

Since Germany does not provide for same sex marriage in its legislation, it is not obliged to recognise your marriage. However, since German legislation recognises registered partnerships between same sex partners, German authorities will have to recognise your relationship at least as a registered partnership under German law, without any specific procedure being necessary for this.

100.

My partner and I share our lives under a registered partnership in Lithuania. Will our partnership be recognised if we move to Estonia, where my partner has been offered a job?

Estonia is not obliged to recognise your registered partnership since it does not provide for registered partnership or other types of partnership equivalent to marriage in its national legislation. However, Estonian authorities must at least recognise your relationship as a proof of durable relationship for the purpose of allowing joining your partner in residence in Estonia. Other EU countries not recognising registered partnerships as equivalent are: Bulgaria, Cyprus, Greece, Ireland, Italy, Latvia, Malta, Poland, Romania and Slovakia

101.

My husband and I got married in the Czech Republic and we last lived together in Germany. My husband has now moved to the UK and I am not sure whether I will stay in Germany or return to the Czech Republic. Which country is competent to handle an application for divorce?

It depends on whether there is mutual agreement to divorce or one of you is filing an application alone. If there is mutual agreement, you can file your application in the UK (where your husband resides) or in the country where you reside (Germany or the Czech Republic). If there is no mutual agreement, you can file the application in the UK (if you are the one to ask for the divorce) or otherwise your husband can file the application in the country where you reside. In any case (i.e. regardless whether there is mutual agreement or not), you can file your application: (a) in Germany, as long as at least one of you remains in Germany, the country where you last both lived together; (b) in the country of your nationality, if you share the same nationality; (c) in the country of your residence, if you have lived there at least 6 months immediately before filing and are a national of that country – if you are not a national of that country, you should have resided there at least 1 year immediately before filing. The same rules apply for legal separation and marriage annulment.

102.

Which law will govern our divorce or legal separation in a cross-border case?

Note that it will not necessarily be the law of the country of the competent courts. Until EU legislation exists in this area (like it exists in the area of conflicts of jurisdictional competence), the rules on how to resolve a conflict of laws can be very unpredictable for the interested parties, and so can the consequences, since the national legislations can be very different. It is worth consulting a specialised lawyer about where to file your application.

103.

What should I do to have the divorce judgment issued in Sweden recognised in Poland?

A divorce (or legal separation or annulment) granted in one EU country will automatically be recognised in Poland, without any special procedure. You can therefore request the updating of your civil status documents in Poland on the basis of a final Swedish judgment – provided that it is not contested that Swedish courts were competent – which is no longer subject to an appeal under the law of Sweden.

104.

Can I oppose the recognition of a judgment issued in another EU country on request of my wife?

Yes, you can ask the courts of your country of residence not to recognise a divorce judgment issued by another EU country, and not only where the foreign court should have declared itself not competent (see above). This could arise, for example, where such recognition is clearly contrary to public policy in your home country, where the decision contradicts another decision, or where recognition was given in default of your appearance if you were not served with the document which instituted the proceedings in sufficient time and in such a way as to enable you to arrange for your defence.

<u>Children</u>

105.

Will the decision on parental responsibility issued by an Italian court be recognised in the country where my ex-wife lives? What should I do to have it enforced here?

Just like judgments on divorce or legal separation, judgments on child custody and visiting rights are automatically recognised, with the same exceptions (see previous question) by all other EU countries. You should ask the territorially competent court in the country of residence of your ex-wife to declare the judgment enforceable in that country ("*exequatur*"). It will be enforced through a simplified procedure, except in Denmark which has opted out of EU rules.

106.

My wife obtained a divorce some years ago in Luxembourg, but she is not respecting my visiting rights. I live in France. Can I take the matter to a French judge?

No. The first court where the request for divorce was filed (if it was competent in the first place) remains competent also for future matters related to your divorce or legal separation, including parental responsibility and visiting rights. You will have to take your case to the competent court in Luxemburg, except in exceptional circumstances, i.e. in case the children have a particular connection to France, for instance if they live in France.

107.

My ex-husband has taken our child to Sweden and started legal proceedings there to try and gain custody. Can I appeal against the decision if the court grants him custody?

Yes. You have 3 months to appeal against the decision in Sweden, if you do not contest the competence of the Swedish court. If you do contest it, you can bring the case before the competent court, i.e. the court which pronounced your divorce (supposedly without taking a decision on child custody) or the court of the country of residence of your child. Note: if there had already been a previous decision in another EU country granting you custody, your husband cannot abduct the child and have a court in Sweden reverse the decision; in that case, the Swedish court should order the child to be returned to you, unless your husband convinces the Swedish court that your child might be in danger with you or in the country where you reside, or unless your child is old enough to declare that s/he does not want to return. These EU rules apply also to Denmark in principle, although less automatically so, since Denmark has opted out from them.

108.

My ex-husband and I share the custody of our children. I have an offer of work in another EU country: can I take the children with me?

Not without the father's consent, as this could hinder his participation in the custody of the children, and it could therefore amount to child abduction. You would also need his consent even if you had the full custody, if only to respect his visiting rights. In any case, the above rules can be nuanced by a judge to take into account the best interests of the child, which is always central to any decision on custody and visiting rights.

109.

I live in Italy with my child. We were never married but the father recognised the child but eventually abandoned us. He now lives in Slovenia. I am having a hard time making ends meet and the father has ignored all my requests to contribute financially to raising our child. What can I do?

You can ask a court in either Slovenia or Italy to rule on what maintenance payments the father of your child is obliged to make to support him/her. It is probably simpler for you to take your case to a court in Italy and then seek recognition of the judgment in Slovenia (see next question) with the assistance of the local administration in Slovenia.

110.

I won my claim for maintenance. What if my ex-husband refuses to pay or stops paying?

Just like judgments on divorce or legal separation and judgments on child custody and visiting rights, the decisions on maintenance are automatically recognised, with the same exceptions (see above), by all other EU countries, including Denmark. But the practical enforcement is not governed by EU rules and it may vary from country to country. In some countries, the maintenance payments will be secured for you by an attachment order on your ex-husband's salary, payable by his employer or bank; if this doesn't work, the money can be collected by national tax authorities. In some EU countries, public funds are available if your former partner is insolvent. In any case, under international law, the competent authorities of most EU countries are obliged to cooperate efficiently for the recovery abroad of maintenance obligations.

Inheritance

111.

I am a UK citizen retired and now living in Spain. Can I choose the law applicable to my will?

No. International rules on conflicts of law will determine whether UK or Spanish law will apply. In any case, it will not be possible for you to choose the law applicable. You are advised to contact a specialised lawyer or a notary. Until EU rules are adopted in this area, the divergences between Member States in the substantive rules, the procedural rules and the rules to resolve conflicts between legal systems can make things difficult for mobile citizens.

EDUCATION

School

112.

We have just moved from the UK to Brussels. My children don't speak French or Dutch. Does this mean we have to put them in an expensive international school?

Not if they are EU citizens. In that case, your children are entitled to attend school in Belgium under the same conditions as Belgian nationals. They have the right to be placed in a class with their own age group, at the equivalent level to their class in the UK, regardless of their language level. And if you or your spouse are an EU national moving to Belgium for work, your children are entitled under EU law to receive free language tuition in Belgium to help them adapt to the school system there.

113.

Where can I find out what I need to know, for my children, about the schooling system in Spain, where I am going to move to with my child?

The Spanish school system could indeed be very different to what you are familiar with, and indeed, to ensure a smooth transition, it is important to compare in order to decide whether to enroll your child in a Spanish school or an international one. You can find country-specific information through the Your Europe portal and the Eurydice website.

University

114.

I am French and I want to study in Belgium. Can the Belgian university charge me a higher tuition fee than for Belgian students?

No. Under EU law, all EU nationals are entitled to use a host country's education system on the same terms as its own nationals. In this case, this means that French nationals should be treated the same as Belgian students as regards tuition fees and all other conditions of the studies. Access quotas are not allowed either if they do not apply equally to all EU citizens, including Belgians.

115.

I am Italian. I want to go to university in Germany and the German authorities are requiring me to take a language test to do so. Can they do that?

Yes. The relevant German authorities are entitled to ask you to take a language test, even though this does not apply to German nationals or local residents. However, the request should be proportionate and exceptions should be made to take account of individual circumstances - for example, if you have lived or worked in a German-speaking country or region (e.g. the German-speaking region of Italy) or if one of your parents is a German mother-tongue speaker.

116.

I am Irish and would like to study in Belgium. Am I entitled to enroll without having to pay tuition fees, like Belgian students are in Ireland?

No. EU law guarantees equal treatment for migrant EU citizens, which is not the same thing as exporting your national rights or reciprocity. In other words: it is not because Irish universities do not charge tuition fees to Irish nationals, that you can claim a right to free tuition in Belgium; and even though Belgian students in Ireland have to be treated like the Irish students, you can only claim to be treated in Belgium on an equal footing with Belgian students.

117.

I am Czech and have been living in the UK since I was 12. I would like to go to university here but can only afford it if I get a grant. Who should I ask for one - the Czech or British authorities?

The British authorities - EU governments have to give the same support to foreign EU citizens who are permanent residents as they do to their own nationals. Permanent residence means 5 years' continuous residence. So if you've been living in the UK for 5 years or more on the date your course starts, you'll be eligible for the same maintenance grant as British students.

118.

I am Polish, have just finished my undergraduate degree in Poland and now want to study for a Master's degree in France. Am I entitled to get a study grant from either Poland or France?

Maybe. EU governments aren't obliged to provide grants or loans to students from other EU countries. Likewise, they aren't obliged to support their own nationals if they choose to study or continue their studies abroad. These decisions are entirely at the discretion of the governments concerned, and are taken independently from the European Union. Contact the authorities in both countries to find out what help they're willing to give you.

119.

I have a Dutch degree and would like to continue my studies in Spain. The university there is refusing to recognise my Dutch qualification as equivalent to the Spanish one normally required for admission to the course I want to follow. Isn't there supposed to be mutual recognition of qualifications?

Contrary to professional recognition of qualifications – i.e. when you are fully qualified to exercise a profession in your home country and want to exercise the same profession which is regulated in the host country – academic recognition of qualifications is the exclusive responsibility of national authorities. An arbitrary refusal to recognise your qualification, or disproportionately long or costly procedures, could however be interpreted as restricting your freedom of movement as a student. The Spanish centre of ENIC-NARIC (a Europe-wide academic recognition network) may be able to help by contacting its counterpart in your country.

Training

120.

Unemployed in France, I am interested in a vocational training scheme in Belgium. The French authorities say I will lose my entitlement to unemployment benefits because it is taking place outside of France. Is that legal?

The provision of unemployment benefits is, in principle, linked to your residence in the Member State providing those benefits and your availability to the employment services of that state. If you want to look for a job or take a vocational training in another Member State, you may under certain conditions export these benefits for a limited period of time. The fact that the training would take place in another EU country is therefore not sufficient to refuse the continuation of unemployment benefits, but the fact that the training scheme does not correspond to specific criteria defined under French legislation could justify the refusal. The argument that checks cannot be made to see if you are in fact working or just being a tourist is not valid because a European procedure exists to allow the unemployed to transfer their status and benefits to another EU country while preserving the financial interests of the social security paying the benefits. This possibility is however limited to up to six months.

<u>Research</u>

121.

I am Argentinian and I have just finished my studies in Spain. I am interested in taking up training as a researcher in the UK. Would I be able to benefit from funding by local research grants?

Possibly. Every researcher in the EU is entitled to take up training and employment opportunities funded by national scholarships and grants, in equal treatment with the nationals of the host country, even if they are not a citizen or resident of that country.

<u>Volunteering</u>

122.

Can the French authorities restrict access to their national volunteering scheme to French nationals?

Yes, they can. However, if you are willing to spend between 2 and 12 months abroad as a volunteer please note the existence of the European Voluntary Service (EVS), which offers opportunities to volunteer in another country in Europe or elsewhere in the world. It is open to all young people aged between 18 and 30. EVS is free of charge for the volunteer (except for a possible contribution of maximum 10% of the travel costs), who also gets insurance, accommodation, food, pocket money and language training.

WORK

Employed work

123.

I am Polish and I have come to the UK to look for work there. Am I entitled to assistance by the local employment offices even if I did not work or live there before?

Yes. As an EU citizen, you are entitled to equal treatment with UK nationals in your right to look for work and to receive assistance from the UK employment offices.

124.

Do I have equal access to training schemes for unemployed in the UK?

Yes, that also is covered by the equal treatment principle. However, it may be that specific training schemes are reserved for unemployed workers who are earning unemployment benefits under the UK social security system, in which case you would have to be in that situation to claim equal treatment for migrant EU citizens.

125.

I am a 16 year old German student. I would like to go to Italy and work there for the summer. Is that possible?

That will depend on whether Italian legislation allows a 16 year-old to enter temporary employment as a student. If it does, then you will be entitled to equal treatment with Italian nationals.

126.

I work in Germany. Does my wife also have the right to work there even if she is not an EU citizen herself?

Yes. Your family members who join you in Germany also enjoy the right to work there, whether as employed or as self-employed workers, and they cannot be asked to apply for a work permit. Just like you, your family members enjoy the right to equal treatment in Germany.

127.

Do I have to register as a resident in the EU country where I work and stay for only a few months?

Not if your stay is of less than 3 months – all you could be requested to do is to inform the local authorities of your presence on the territory. If your stay is of more than 3 months, then you may need to register with the same authorities.

128.

Can I work in the public sector in another EU country if I am not a national of that country?

Yes in principle. If you are an EU citizen, your right of access to employment in other EU countries extends to employment in the public sector. However national authorities can restrict access to public sector jobs that involve direct or indirect participation in the exercise of public powers conferred by public law or and duties designed to safeguard the general interests of the Member State - like certain posts in the diplomatic service, armed forces, police and security forces or tax authorities, for instance. However, they cannot apply blanket restrictions, but must assess each job individually.

129.

I am in principle allowed to apply for a specific position in the Greek public sector, although I am from Cyprus, but the Greek authorities tell me that I need to have been resident in Greece for at least three years in order to qualify. Is that legal?

No. The equal treatment principle prohibits not only open discrimination, but also any rules that place migrant workers at a disadvantage, such as measures that limit the free movement of workers. A rule that required you to already live in your new country before you could access a particular public service would be illegal.

130.

I am a civil servant and I would like to apply for a job as a civil servant in another EU country. Will my professional experience be recognised?

Yes. Your new country of employment cannot give you less credit for relevant professional experience just because you gained it in another EU country. Comparable experience must be given comparable credit when it comes to deciding salaries, grades and other working conditions. The same applies for access to employment in the public service.

131.

I am Lithuanian and I work in Poland. Is my wife, a non-EU national, subject to the work permit procedure to work in Poland?

No. As your family member, she is subject to the same paper work as you and can start her activity right away.

Workers subject to transitional measures

132.

My country joined the EU in 2004. Are there still countries where I need a work permit to work?

No. You may move freely to work to any other EU Member State. The possibility to temporarily restrict labour market access ended on 30 April 2011.

133.

I am from Bulgaria. Where can I work without specific formalities compared to other EU citizens?

You can work without specific formalities in Cyprus, Czech Republic, Denmark, Estonia, Finland, Greece, Hungary, Latvia, Lithuania, Poland, Portugal, Romania, Slovakia, Slovenia, Spain and Sweden. The same applies to Romanians who also do not need to fulfil specific formalities to work in Bulgaria. If you wish to work in a country that still imposes restrictions and wish to find out about the procedures you need to follow there, consult the EURES website or contact a EURES adviser or the country's public employment service.

134.

What if I was already working in Italy when Romania joined the EU? Could I still be subject to a work permit?

If you had a work permit in Italy for at least 12 months on 1st January 2007, you have free access to the Italian job market. You do not, however, acquire the same right in the other EU countries who still apply transitional restrictions for Romanian workers.

135.

Would my family members have the same right?

Your family members, whatever their nationality, also have immediate access to the job market since 1 January 2009, even if they joined you later in Italy.

136.

When I complain about my working conditions which do not appear to be in conformity with Austrian legislation, my employer in Austria points out that Romanian workers are subject to different rules. Does that mean that I am a second-class EU citizen?

Absolutely not. Being subject to transitional restrictions in the access to the Austrian job market does not mean that you cannot claim full equal treatment with local workers, or that any of your other rights as EU citizen are suspended. You should inform the Austrian labour authorities about your employer if he persists with such an attitude.

137.

I am German and I have been offered a job in Romania. Surely I don't need a work permit to work there, as an EU citizen.

No, you do not need a work permit.

<u>Posted work</u>

138.

I am Algerian and I am employed in a French company which regularly posts workers to other EU countries for short missions. Could I be denied a work permit in those countries?

As a posted worker, you are in principle not subject to the work permit formality, as this would constitute a barrier to your employer's freedom to provide cross-border services.

139.

I am Czech and the Czech company employing me wants to send me to Germany on a temporary mission. Do I need to apply for a work permit?

It depends on the sector of activity you are working in. In principle, as a posted worker, you do not require a work permit for temporary work in another EU country, even in those who have maintained a system of work permit for Czech nationals. However, Germany and Austria are exceptions: they may require a permit in determined sectors, for example in the construction sector. To find out about the sectors, contact the liaison office for posted workers in Germany.

140.

In the other EU country where I've been sent to work by my employer, all my colleagues earn the minimum wage. Am I also entitled to it?

Yes. For the whole time you're working there, your employer is obliged to comply with that country's basic rules on employee protection. These include the minimum wage, working hours, minimum rests periods, etc. You can find out more on your rights by contacting the national liaison office for posted workers.

141.

I'm a cross-border worker. Can my employer require me to open a bank account in the country where I work?

There is currently no EU law specifically prohibiting an employer to impose to the employees the obligation to open a bank account in the country of work. However, you may want to bring to your employer's attention the fact that, in the Eurozone (the group of countries which have adopted the euro as their currency) there are no additional costs for a cross-border transfer of your salary if it does not exceed € 50.000 and your employer uses the IBAN and BIC numbers for your bank account.

Self-employed work

142.

I am Romanian and I want to start a free-lance activity in France. The French authorities say I have to apply for a work permit. Is that right?

No. The transitional restrictions to which so-called “enlargement countries” nationals are subject in some of the EU countries are justified by the need to avoid aggravating the situation of national job markets in areas where they are already saturated; they concern only employed work. You do not have to ask for a work permit is you are going to work in France as self-employed worker.

143.

I hesitate between setting up a business in the UK and just offering cross-border services from Ireland. Where can I find out about the formalities I need to comply with?

Each EU country is obliged to set up a “point of single contact” for service providers. Through the UK point of single contact, you will be able to get all the relevant information and complete all the administrative procedures through one entry point - from a distance and by electronic means - without having to contact a variety of competent authorities. The point of single contact is also competent to inform the providers of cross-border services. Note: under EU rules, the procedures and formalities related to service activities must remain simple and there cannot be unnecessary or disproportionate authorisation schemes, discriminatory requirements based on nationality or residence or particularly restrictive requirements. For instance, it would be illegal to require that you carry out a market study to prove to the UK authorities that there is a demand for the service you want to offer.

144.

I am a qualified pharmacist in Luxembourg and I want to open a new pharmacy in France. The French authorities object that I am not authorised to open a new pharmacy. Can they do that?

Yes, if what you have in mind is a pharmacy open to the public. Such pharmacies are subject to derogation from the rules on freedom of professional establishment in another EU country. They can therefore be subject to territorial and ownership restrictions to protect certain public interest objectives. Note: the same would apply if you wanted to take over or become the manager of a pharmacy in the UK which has been open for less than 3 years (which would be treated as a new pharmacy for the purpose of applying the derogation).

QUALIFICATIONS

Scope of EU rules on the recognition of professional qualifications

145.

I am Austrian and I finished vocational training to exercise the profession of 'masseur' in Belgium. Can I exercise the profession of physiotherapist in Portugal?

You can rely on EU rules on the recognition of professional qualifications if the following conditions are met: you are fully qualified to exercise the profession in Austria; it is the same profession that you want to exercise in Portugal; and the profession is regulated in Portugal. To find out about these last two points, contact the Austrian or the Portuguese contact point for recognition of professional qualifications and check the online database of regulated professions.

146.

What if the profession I want to exercise in Finland is not regulated there: can I simply go there and work without having to apply for recognition of my Estonian qualifications?

Yes, you can begin practicing in Finland subject to the same conditions as the Finns. However, while your profession may not be regulated as such in Finland, it may be that it is not an independent profession but a part of another, larger, profession which is regulated. If this is the case, you should normally be able to request only partial access to that profession.

147.

I am a German master craftsman and I want to extend or establish my business in Switzerland. Do EU rules on the recognition of professional qualifications apply?

Yes. They apply by extension to the non-EU Member States of the European Economic Area (Iceland, Liechtenstein and Norway) plus Switzerland. However, there are special rules for Switzerland.

148.

As a non-EU national holder of German qualifications, can I benefit from the EU rules on the recognition of professional qualifications?

These rules apply fully to you if you are the family member of an EU citizen exercising his/her free movement right within the EU. They also apply to you fully if you have refugee status in Germany. If you have acquired the status of long term resident in Germany by residing there for over 5 years, you can also benefit from the rules, but only if you establish yourself professionally in the other EU country you are interested in – but this does not apply in Denmark, Ireland or the UK. Note: from 19 June 2011, the EU rules will also apply to you if you hold the EU blue card, i.e. have a higher education diploma and a job offer in the host country; but again, this will not apply to Denmark, Ireland and the UK.

149.

I am Italian. I qualified as a doctor in Argentina and later established myself in Spain. Can I exercise in Italy under EU rules?

EU rules only concern the recognition of qualifications delivered by EU/EEA Member States and – with some special rules – Switzerland. The recognition by Spain of your Argentinean qualifications is not binding on Italy unless you have exercised a minimum of 3 years in Spain before seeking recognition in Italy.

150.

My diploma was awarded by the UK at the end of 5 years' training which included one year in the USA. Did I obtain my qualifications in the UK in the meaning of EU law?

Yes, since your diploma was awarded in the UK and you did most of your professional training there. Note that this last condition does not apply if your profession is one of the seven (doctor, nurse responsible for general care, midwife, dental practitioner, veterinary surgeon, pharmacist and architect) for which minimum training conditions were harmonised, since the UK diploma could in any case not be delivered without these being met.

151.

I trained as an engineer in Greece with an establishment that has concluded a franchise agreement with a UK university. Do I have to obtain the recognition of my qualifications in the UK or in Greece if I want to work in either country?

If, under the franchise agreement, your training is validated by the UK university, you hold a UK diploma. You will be able to exercise your profession in the UK under the same conditions as UK engineers. Instead, if you want to exercise in Greece, your qualifications will be considered foreign qualifications obtained in another EU Member State and EU rules will apply.

152.

I have followed a specific training programme in Italy but did not obtain the qualification giving access to the profession in Italy at the end my training. I am told that if I go to Spain my Italian training will be recognised to practise the profession. Could I then rely on this recognition to work in Italy?

This would constitute a circumvention of the. Italian law and that is not what EU law is intended for. You would only be able to claim recognition in Italy if you acquired additional training or experience in Spain.

153.

I am a Canadian professional diver. I have been offered an employment contract with a Dutch company to work for four months on an offshore platform in the UK, but they are not sure whether my qualifications will need to be recognised.

As a posted worker from the Netherlands to another EU country, irrespective of your nationality, you are automatically allowed to exercise your profession, without having to go through any procedure of recognition of your qualifications. However, the UK may require you to make a declaration that you will be practising there.

<u>Temporary provision of services</u>

154.

Am I subject to the rules on the recognition of professional qualifications if I offer cross-border services in other EU countries?

Not if you are not physically present in those countries. However, you will need to respect the rules on the cross-border provision of services, which cover other points than the recognition of your qualifications.

155.

I am a German ski instructor and I would like to practise my profession during the ski season each year in Austria. Do I have to ask for the recognition of my qualifications and register in Austria?

No. If you are legally established in Germany, i.e. meet all the conditions to exercise your profession in Germany, all you may be requested to do - if required by the Austrian legislation - is to submit an informal declaration to the Austrian authorities to allow them to check your qualifications. This declaration would have to be made before exercising the profession in Austria for the first time, in writing, by any means. It will be valid for one year.

156.

In order to benefit from the rules on temporary provision of services in another EU country, does it matter that I have not yet exercised my profession of architect in my home country?

No, as long as you are qualified to exercise the profession and established professionally in your home country. That implies that you can prove that you are at least eligible to be on the professional register.

157.

Do I have to wait for the Spanish authorities to give me a green light before acting as a museum guide in Spain on a temporary basis?

No, you can start immediately after sending your prior declaration to the Spanish authorities. Note that for the first provision of services Spanish authorities may require supporting documents, such as proof of nationality, proof of legal establishment in another EU Member State for the purpose of pursuing the same profession, evidence of professional qualifications, proof that the service provider has pursued the activities concerned for at least two years during the preceding ten years (in cases where the profession is not regulated in the Member State of establishment). Note: you would not need to specify when you will start to work in Spain; it would be up to you to make the calculation, knowing that your declaration is valid for one year.

158.

As a qualified architect in Italy, can I start exercising my profession in Spain as soon as I make the declaration of temporary services?

In principle yes, since it is covered by the system of automatic recognition for architects. However, this would not apply if your Italian qualification did not meet the conditions for automatic recognition under the rules for permanent establishment.

159.

The authorities of the host country are asking me to submit with my declaration some other type of evidence which goes beyond evidence of my current establishment and my qualifications. Is that legal?

Yes. The authorities are entitled to ask for evidence that you are not prohibited to work in your home country, even temporarily and – if that applies also to the nationals of the host country – evidence that you have never been convicted of any serious criminal offence, if you work in the field of security. Note that it is in your interest to provide a complete file with your declaration, especially if your profession is one which presents a potential threat to public security or health because in that case the declaration does not in itself allow you to start working, and the delay within which the authorities are obliged to take a decision runs from the moment you submit a complete file. It is therefore in your interest to get it right the first time.

160.

I am Polish and want to know if I can be asked to take an aptitude test or to do additional training in France in order to provide temporary services there as an electrician?

Yes, provided that there are substantial differences in training between the two countries that could be harmful to the health or safety of consumers, and you are not able to provide proof of professional experience or further training in Poland that would compensate for such differences. You should normally be allowed to choose between aptitude test and training, and the training should not be longer than a month.

161.

If I am subject to prior authorisation, within what delay should German authorities take the decision to allow me to provide temporary services in Germany, as a Polish installer of LPG fuel in cars and what if they do not respect this delay?

If problems are encountered in processing your file, the decision to authorise you or not to exercise your profession in Germany should be taken no more than four months after receipt of your application and the supporting documentation. And if eventually you are requested to take additional measures to compensate for substantial differences in training, these additional measures should take place in the following month, so the worst case scenario is five months. Note: should the German authorities not respect these deadlines, you can start working in Germany provided that you are legally established in Poland and qualified to exercise your profession there, or in case the profession of installer of LPG fuel in cars is not regulated in Poland, have practised it for at least two years.

162.

I work in France for a few weeks each year as a physiotherapist, and each year I am asked to go through a procedure for checking my Spanish qualifications before I can start working. Is this legal?

No. Since your profession involves a potential threat to public health, it is normal that - even though you are qualified in Spain - you are subject to a prior check of your qualifications only the first time you exercise in France. However, the declaration needs to be renewed each year.

Establishment

163.

Since professional qualifications are recognised in the EU, surely I do not have to apply for recognition if I want to establish my activity in another EU country?

Yes you do. While it is correct to say that mutual recognition of qualifications is a general principle, there are nuances in how it applies in practice – i.e. more, or indeed less, automatically – depending on the profession concerned. In any case it is not an absolute principle and it is therefore necessary to apply for recognition.

164.

I am a Romanian midwife and I am applying for recognition of my qualifications in France. What documents should I submit?

Midwifery is one of the seven sectoral professions – together with doctor, nurse responsible for general care, dental practitioner, veterinary surgeon, pharmacist and architect – for which minimum training conditions are harmonised in the EU and which therefore benefit from "automatic recognition". The French authorities will require proof of your nationality, and possibly also other documents which are required of holders of French qualifications for the purpose of exercising the profession. In case of justified doubts they can also require a certificate of compliance issued by the Romanian authorities, certifying that your qualification is the one which is contemplated in the relevant sectoral directive. If the name of your qualifications does not correspond, they will also require a certificate of change of denomination. You might also be asked to provide an attestation of professional experience of at least one year or two years in certain circumstances.

165.

I qualified as an architect in Slovenia well before Slovenian accession to the EU. Does that mean that my qualifications will not be recognised in Austria?

If your training in Slovenia started before the academic year 2007/2008 (as indicated in this case in the annex to the directive for architects), your qualifications might well not meet the minimum requirements for training and therefore you cannot rely on automatic recognition, unless you can either provide a Slovenian attestation on the effective and lawful exercise of your profession for at least three consecutive years in the five years prior to the issuing of the attestation, or benefit from acquired rights if you are in possession of the qualification mentioned by Slovenia in the annex to the directive. Specifically in the case of architects, in addition, you may be requested that the attestation stipulate that you were authorised to use the title of architect in Slovenia (or in the former Yugoslavia) before the date specified in the Directive.

166.

What if I don't meet the conditions to benefit from automatic recognition of my doctor's qualifications? Is there no other way to obtain recognition?

Yes. You are then subject to the rules applicable under the so-called "general system" of recognition – see below – or similar rules (identification of possible substantial differences, adaptation measures). Recognition should not be refused for your qualifications, except in exceptional cases, e.g. if you have erroneously applied for recognition with qualifications for a profession that is simply not the one you are qualified for.

167.

I am from Cyprus and I want to work as a hairdresser in Greece. What documents do I need to submit with my applications?

Like other professions in trade, industry or business, the profession of hairdresser benefits from automatic recognition based on professional experience in the home country. Besides proof of your nationality and possibly other documents which are required of holders of Greek qualifications for the purpose of exercising the profession, the Greek authorities may require an attestation from the competent Cypriot authority indicating the nature (self-employed, manager, employee, etc.) and the duration in which you exercised your activity in Cyprus. In some cases, they may also require proof of your training.

168.

How will my application for recognition of my qualifications as beautician be dealt with if I do not have the necessary years of experience in my home country for automatic recognition?

Your application will then be examined under the so-called "general system" of recognition – see below.

169.

I am Italian and I want to settle in Spain as an engineer. What documents do I need to submit with my applications?

Engineers are not covered by "automatic recognition" (which is based on harmonised training requirements or professional experience), and therefore fall within what is called the "general system" of recognition. This means that, besides proof of your nationality and possibly other documents which are required of holders of Spanish qualifications for the purpose of exercising the profession of engineer, the Spanish authorities will require information on your training acquired in Italy, to the extent that this is necessary to establish possible substantial differences with the training required in Spain which are essential for the exercise of the profession (i.e. total duration, subjects and hours, proportion of theory and practice).

170.

As a lawyer wanting to exercise my profession in another EU country, do I fall under the general system of recognition?

Yes, if you want to exercise the profession under the host country title. However, under lawyers-specific directives, you can provide temporary services or to establish yourself in the host country under your home country title without having to go through the examination of your diplomas, . Other professions are also governed by specific directives, such as insurance agents and brokers, statutory auditors of annual accounts and consolidated accounts and different professions in the transport sector (e.g. air traffic controllers, airline pilots, seafarers).

171.

Three months have passed since I have submitted my application file for recognition of my qualifications in Spain and I have not heard back from them. Is that normal?

No. The competent Spanish authority should acknowledge receipt of your application within one month and inform you at the same time of any missing document. It should then take a reasoned decision after no more than three months (under automatic recognition for the seven sectoral professions which have been the object of minimum harmonisation of training) or four months (under automatic recognition based on professional experience for professions in trade, industry or business, as well as under the general system). If these deadlines are not respected, you can take legal action before national courts.

172.

What if substantial differences are found between the training I received in my home country and the one required in my host country?

In that case, the authorities of the host country may require you to take an aptitude test or to undergo an adaptation traineeship lasting a maximum three years, at your choice (except for certain professions in certain countries). Both the test and the training should be adapted to the substantial differences identified. However, you may avoid such additional measures if you have professional experience that compensates for the differences. This is why it is in your interest to provide as much information as possible to facilitate the recognition of your qualifications, e.g. on professional experience.

173.

I have not been given any information about the traineeships or aptitude tests that are available to me in order to obtain the recognition of my qualifications. Should I not be helped?

Yes. Either the competent authority of the host country (where you wish your qualifications to be recognised), or its national contact point, should give you a list of competent establishments or supervisors that you can choose from, and information on how to prepare for these. At least two aptitude tests should be organised per year, but they should be much more frequent where there is a high number of applications.

174.

In my home country, Belgium, my profession is not regulated. Can I work in that profession in France where it is regulated?

If neither your profession nor the training for it is regulated in Belgium, you may have to demonstrate that you have exercised your profession for at least 2 years during the last 10 years before settling, or even just providing services on a temporary basis, in France. Pay slips or attestations from employers must be accepted, as long as they clearly identify your professional activity.

<u>Common rules</u>

175.

Where do I find out about the formalities for exercising my profession in an EU country other than the one where I have obtained my qualifications?

There are two methods. First, there is the contact point for the recognition of professional qualifications in the host country which will guide you. Second, you may prefer submit your declaration (in the case of temporary provision of services) or application for recognition of qualifications (in the case of establishment) directly to the “point of single contact” set up under the “Services Directive”, which allows you to complete all the formalities in order to practise your profession in the host country, including those related to the recognition of qualifications. Note: although the “point of single contact” was not established to deal with health professionals as such, the host country is however free to use this method. The contact point for the recognition of professional qualifications will inform you whether this is the case.

176.

I am having difficulties to identify who is competent in my home country to deliver the attestations required by the host country. Where can I get guidance?

The contact point for the recognition of professional qualifications in your home country will assist you.

177.

Could the Spanish authorities, in handling my application for recognition of my Portuguese qualifications, ask me to submit original documents and certified translations?

Whether you are establishing yourself in Spain or just wanting to provide temporary services there, the following rules apply: original documents should never be requested; however, for essential documents (i.e. diplomas, certificates of professional experience) the Spanish authorities may well request certified copies and translations. If, due to your circumstances, you are not in a position to obtain a certified copy, the Spanish authorities should liaise directly with the Portuguese authorities; and you are free to choose to have the certified translations provided by a competent authority in Spain or in Portugal, at your convenience.

178.

Can I be asked to pay for the costs of processing my application and for compensatory measures?

Yes, however the fee must not exceed the actual costs and must be comparable with what nationals have to pay in similar circumstances. Note that no “processing of your application” arises if you are only making a declaration in the context of temporary provision of services.

179.

I have been teaching English in France for many years. I have now been offered a job to teach English in a school in Germany. Can the German authorities ask me to sit a test to prove that I speak German?

Only if it is justified by the nature of the profession you wish to practice - e.g. if you will be teaching English to German speakers and not in a French school – and if the test is proportionate with the objective needs of the profession. Note that, if there is scope for German language requirements, the language test will not be part of the recognition of your professional qualifications.

180.

Do I have to obtain authorisation from or register with the local professional body if I exercise my profession as engineer in Spain?

It depends. If you are just providing services in Spain on a temporary basis, you should not be subject to such formality, or at least it should just be pro forma and not delay the exercise of your activity, and be undertaken on your behalf by the competent Spanish authority to which you make your declaration of activity. If you intend to become established in Spain, however, you are subject to the same conditions as the Spanish engineers, in all respects.

181.

Can I use the host country title when my qualifications are recognised to exercise my profession in another EU country?

If you establish your activity in the host country, you must use that country's professional title. But if you are just providing temporary services, you have to do that under the professional title of your country of establishment, unless you were subject to a prior check of your qualifications or your profession is one of the sectoral professions which have been the object of minimum harmonised training.

182.

Can the French authorities oblige me, when I provide temporary services in France, to inform my customers about my professional title in the Netherlands? This is annoying because there is no such title there.

If you provide temporary services under your home title, France may require you to provide the recipients of the services with this information or, where no such title exists, your formal qualification and indication that it was awarded in the Netherlands. You may also be requested to provide other information such as your registration in a commercial or other public register in the Netherlands; the name and address of the competent Dutch supervisory authority, if applicable; any professional association or similar body with which you are registered; details of any insurance cover or other means of personal or collective protection with regard to professional liability.

SOCIAL SECURITY

Country responsible for you social security coverage

183.

I have been offered a job in another EU country. Can I keep my social security in my home country?

As a general principle, the country of your new work is responsible for you social security coverage. You can only be subject to the social security legislation of one country at a time; you will therefore cease to be insured in your home country. As a rule, your new country of work will become responsible for your benefits. You will not however lose the rights you have built in time in your home country, for example your pension rights.

184.

Where am I employed if my French employer sends me temporarily to work in the Netherlands?

If you are sent by your employer to work in another country, you will remain covered by the legislation of your country of origin if you fulfill the conditions which apply to posted workers. This means that you can work there up to a maximum of 24 months on behalf of your employer who is based in the sending country. Before leaving, your employer should apply for an ‘A1’ document for you, to certify that you are covered by the French legislation. This solution aims at avoiding frequent changes in your social security situation in the case of short periods of work abroad.

185.

I am self-employed and intend to work abroad for a few months, maybe more than a year. Can I do that and remain insured in my home country?

If you want to do similar work in another EU country for a few months and in any case for a maximum of 24 months, the best option for you is to post yourself abroad. By doing this, you can work abroad but remain in the social security system of the country where you usually work while working. Before leaving you should apply for an A1 document. You may even benefit from an exemption and remain in your home country’s system for a defined period of over 24 months if you directly request an exemption to cover the specific period of your posting.

186.

I am going to work in Luxembourg but remain resident in France. Where will I be insured?

You will still be insured in Luxembourg, your country of work. However, if you qualify as cross-border worker under EU rules, i.e. if you return to France daily or at least every week, you will benefit from some special rules adapted to your situation as regards health care and unemployment. Please note that you can be considered as a cross-border worker for social security purposes but as a resident for tax purposes.

187.

I am resident in Belgium but I work part-time in Belgium and part-time in Germany, for my Belgian employer. Where am I insured?

As a rule, you will be insured in your country of residence (i.e. Belgium) if you pursue a 'substantial part' of your activity there. A 'substantial part' means at least 25% of your working time and/or your remuneration, but other elements can be relevant as well as your overall situation. To determine if you work a 'substantial part' of your activity in your country of residence, the assumed future situation over the following 12 months is also taken into account. If you don't pursue a 'substantial part' of your activity in your country of residence, the country where your employer is established is responsible for your social security coverage. If you work in two or more countries,

you must inform the social security institution in your country of residence. The social security institution there will determine the legislation applicable to your situation and will inform the institutions of all countries where you pursue your working activities. The other institutions have two months to react to the decision, after which it becomes definitive.

188.

I work as an artist across Europe. How can I determine where my place of residence is?

Your country of residence is the place where you "habitually reside" in other words, where your "centre of interests" is. A list of criteria is provided to help social security institutions assess which country is to be considered your place of residence in the case of diverging views between two or more countries. These include: the duration of your presence on the territory of the countries concerned; your family status and ties; your housing situation and how permanent it is; the place where you pursue professional or non-profit activities; the characteristics of your professional activity; where you reside for taxation purposes; the source of your income. In any case, the decision on which country is to be considered your place of residence will be made by the social security institutions and not by you.

189.

I reside in Sweden and regularly do seasonal work in different EU countries. Where am I insured?

It depends on whether you also work in Sweden and on whether you have one or more employers. If you have more than one employer, you will be covered for social security purposes in your country of residence (i.e. Sweden). If you have a single employer for your different seasonal work periods, you will be covered in Sweden if your activity there corresponds to 25% of your working time or of your payment, or if your employer is not established in the EU; otherwise, the country where your employer is established is responsible for your social security coverage.

190.

I have been offered work on board a ship flying Greek flag but my employer is Italian. In which country will I be insured: Greece or Italy?

If you reside in Italy, Italy will be responsible for you social security coverage because it is also the country of establishment of your employer. Otherwise, you will be covered in Greece, the country flying the flag of the ship, even if you reside in a different country. (With regard to the definition of "residence" see question 188.)

191.

I am French and I lost my job in Spain. Where am I insured?

If you receive unemployment benefits, you will be insured in the country which pays these (even through a procedure of temporary transfer of benefits). Otherwise you will fall under the social security legislation of your country of residence.

192.

In which country will I be insured if the rules covering my situation change with the new regulations after 1 May 2010?

If, as a result of the new EU social security coordination regulations, you are subject to the legislation of a different country than under the old rules, the previous legislation will apply as long as your situation remains unchanged, but for a maximum of 10 years. You may request to be treated under the new regulations if you wish.

Benefits

Health care and maternity

193.

In the country I have now moved to for work, I can become entitled to sickness benefits only after six months of insurance there. Am I subject to this waiting period if I have worked in another EU country immediately before?

No. EU rules ensure that you will be entitled to sickness benefits from the beginning of your insurance period in your new country if you had previously been covered for 6 months or more in any other EU country.

194.

I have moved to Austria in order to work there, but my wife and children have remained in Slovakia. Where should I pay health insurance contributions for my dependents?

There are two possibilities: if your wife works in Slovakia, she must pay health insurance contributions for your children there; if she does not work, you must pay health insurance contributions for your dependents (i.e. your wife and your children) in Austria. You should request an S1 form (former E 109 form) from the Austrian health insurance institution, and then submit it to the Slovak health insurance institution.

195.

As a cross-border worker, where do I get healthcare?

As a cross-border worker, you are normally insured in the country where you work and consequently entitled to healthcare there. To register in the health care system in the country where you live, you will need an S1 form (former E 106 form) from the health insurance institution in the country where you work. This form entitles you and your dependents to register for health insurance in the country where you live. You can then get medical treatment in your home country as if you were insured there.

196.

I reside in Poland and am working in Germany. Is my family entitled to free medical care in Germany?

If you have the S1 form, your dependents can also enjoy the same rights as you in Germany. The same would apply if you worked in Austria, Belgium, Bulgaria, Cyprus, the Czech Republic, France, Greece, Latvia, Luxembourg, Malta, Portugal, Romania, Slovakia or Slovenia. If instead you worked in Denmark, Estonia, Finland, Hungary, Ireland, Italy, Lithuania, Spain, Sweden, the Netherlands, or the United Kingdom, your dependents could not have two health insurance cards and they could receive treatment in the country where you work only when one of the following conditions is met: the treatment becomes necessary on medical grounds during their temporary stay in that country, taking into account the nature of the treatment and the expected length of the stay; there is an agreement between the countries concerned; prior authorisation has been given for a determined treatment, on the prior request of your family member, on the S2 (former E 112 form) issued by the relevant health insurance institution in the country where you live. Note: As from 1 May 2014, the automatic extension of rights to family members will also be guaranteed by: Estonia, Spain, Italy, Lithuania, Hungary and the Netherlands. It means, that only the family members of persons working in Denmark, Ireland, Finland, Sweden and United Kingdom, and entitled on basis of his activity to the health care in the country of residence, will have restricted access to the health care in the state where their family member works.

197.

As a retired cross-border worker, can I still get medical care across the border and be covered for that?

If you last worked as a cross-border worker (so-called "frontier worker"), you can continue to receive any treatment that began in the country where you used to work. This possibility also exists for your dependents if their treatment began in Austria, Belgium, Bulgaria, Cyprus, the Czech Republic, France, Germany, Greece, Latvia, Luxembourg, Malta, Poland, Portugal, Romania, Slovakia or Slovenia. (As of 1 May 2014, this will also be possible for treatment that begun in Estonia, Hungary, Italy, Lithuania, the Netherlands and Spain). However, regardless whether it is a continued or new treatment, you will be able to receive healthcare in your country of last employment if you worked at least 2 years as a frontier worker during the 5 years preceding retirement, and if the country that is responsible for your social security coverage as a pensioner and your former country of employment are both in this group of countries: Austria, Belgium, France, Germany, Luxemburg, Portugal and Spain. This possibility also exists for your dependents unless the country where you last worked is Spain (which will lift this restriction after 1 May 2014). You need to apply for an S3 form from the health insurance institution in the country that is responsible for your social security coverage as a pensioner. The form is your certificate of entitlement to medical treatment in your former country of work.

198.

As a French student undertaking studies in the UK, do I have entitlement to health care?

As a matter of principle, as a student staying temporarily in the country where you pursue your studies, you are regarded as still residing in your home country and insured there. This means that you are entitled to all necessary health care in the country where you are studying on presentation of your European Health Insurance Card issued by your social insurance institution, before leaving. However, your statutory health insurance might not cover you for the whole length of your stay abroad (for example, if you reach a certain age limit during your year abroad) or stop covering you if you are registered with a foreign institution. You should check with the French social security institutions before leaving and also check with British institutions to assess your situation under UK law as a resident student.

199.

What happens if I have an accident during my posting abroad? Will my health insurance cover me?

When you are "posted" by your employer, or you "post" yourself as a self-employed person, to work in another EU country, you and your family will remain covered by the legislation of your country of origin. As posting is always limited in time, you can use your European Health Insurance Card during your stay. An A1 form will allow you to prove that you are insured in your country of origin for other purposes. If you become resident in the country to which you are posted you should register in the health care system there. You need to apply for an S1 form (former E 106 form) from the health insurance institution in your country of origin. The form certifies that you and your family are entitled to health care in the country to which you are posted on the same conditions as if you were insured there..

200.

I plan to go the Czech Republic to provide services there and I wonder what formalities I need to undertake to be covered by my statutory Hungarian health insurance there?

You need to ask your Hungarian healthcare insurance authority to give you an S1 form (former E 106 form). This form will entitle you to healthcare. After arriving in the Czech Republic, submit your S1 form (former 106 form) to a health insurance institution there. If you don't need to move to the Czech Republic during the time you will be working there (but rather will just be making short

visits), all you need is a European Health Insurance Card. You can get one from your Hungarian health insurance institution.

201.

What happens if I have an accident while looking for a job abroad? Will my health insurance cover me?

If you are receiving unemployment benefits from the country where you became unemployed, your health insurance will still cover you in other EU countries. You and your family will be entitled to treatment – but you will need to show your European Health Insurance Card (EHIC). If you do not have one yet, you can apply for one from your health insurance institution.

202.

I am soon going to retire in Germany and receive pensions from different EU countries, including Germany. Which country will be in charge of my healthcare?

If Germany is one of the countries paying you a pension, Germany will be responsible for your healthcare coverage and that of your family members.

203.

And what if I reside in Germany but get pensions only from other countries? It is in Austria that I have worked the longest period of time.

Even though you do not receive a pension from Germany, as resident, you will always be entitled to German benefits in kind, e.g. healthcare and medicines, as if you were insured there and under the same conditions as German nationals. However, in practice the cost will be born by the country that pays your pension – in your case, Austria, since it is there that you have worked for the longest period of time – by way of a reimbursement procedure between institutions (which will not be apparent to you). For this, you need to ask Austria for an S1 form that you will then use to register with the German healthcare institution. You will still be insured in Austria, which will be responsible for sickness benefits in cash and for issuing your European Health Insurance Card (EHIC) when you travel to other EU countries.

204.

I plan to go to France to have an operation there, for reasons of convenience. Could my Italian health insurer refuse to reimburse my planned medical treatment in France?

Yes, the Italian institution may cover the cost of that treatment on the condition that you have received the prior authorization (delivered on the portable document S2). However, your health insurer must authorise it by delivering you an S2 form if the treatment is covered by the social security legislation and your statutory health care system cannot provide the care within a medically acceptable time limit, in view of your state of health and the progression of your illness, or if the treatment you seek is covered by your health insurance but not available in Italy.

205.

My retired mother is coming from Portugal to stay with me in France for some months. She needs an operation. What formalities must we complete so that she can have the operation in France?

Your mother must ask her Portuguese health insurer for prior authorisation to receive medical care abroad, so she can have the costs reimbursed (delivered by the competent institution on the portable document S2). The authorisation cannot be refused if the treatment is covered by the legislation of a Member State, but cannot be delivered in the time limit medically justified. In the event of an unforeseen medical emergency during her stay abroad, your mother could rely on her European Health Insurance Card, which she should also bring with her.

206.

I am going abroad for planned medical treatment authorised by my health insurer. What level of reimbursement can I expect?

If you get authorisation for planned medical treatment abroad, regarding the cost of treatment (whether in hospital or not) you will be treated in the host country as if you had been insured there. It implies that if in the host country the insured persons receive the treatment free of charge, you will receive it free of charge without any upfront payments. If your authorised treatment will take place in a Member State where the insured persons are reimbursed, you will be covered at whichever rate is higher - the one in the country where you are insured, or the one in the country where you are receiving treatment. So, if for some reason you have borne all or part of the cost of the medical treatment yourself, you will be reimbursed at the rate applied in the country where you receive treatment. If the reimbursement in the country where you received treatment is lower than in your home country, your home insurer will, upon your request, reimburse you the difference. However, you will never be reimbursed more than you have actually paid. Please note that the entitlement to additional reimbursement is not recognised in relation to Switzerland.

207.

What if I did not receive prior authorisation for planned treatment abroad?

You are required to apply for authorisation for planned treatment abroad only if the treatment in question is either hospital care or other highly-specialised treatment. You should check before you seek treatment abroad, because the definitions of which treatments fall within this category can vary from Member State to Member State,,and also because the rule indicated above might still not be implemented in your country of social insurance before 25 October 2013. If you were supposed to get an authorisation, and did not, then you will not, in principle, be entitled to reimbursement. However, if you were not granted this authorisation and believe you should have been – for example, because you were facing a waiting time for treatment at home which was medically unjustifiable – you should be able to appeal against the decision. For treatment which is not subject to prior authorisation, you can claim reimbursement of the costs of treatment on your return home without requesting authorisation. However, you can only claim up to the amount the treatment would have cost had you received it at home: if the treatment abroad is more expensive you will need to pay the difference between the costs yourself. Even in situations where prior authorisation is not required it is advisable to check with the health insurance institution or local health service so that you are guaranteed reimbursement upon your return. In particular, it is important to make sure that the treatment you are to receive abroad is one to which you would have been entitled at home – otherwise you will not have a right to reimbursement. Please note that entitlements to reimbursement are not recognised in relation to Switzerland.

208.

I want to follow a spa cure in Germany, where this type of health care is covered by the social security. Can my French insurer refuse to give me an authorisation or refuse to reimburse me when I return to France?

Maybe. In this respect, it does matter that spa cures are covered under the German legislation. Your treatment costs will be covered only if the French law covers the treatment, which may not be the case for spa cures. Find out from your insurance institution before you travel.

209.

I work and live in UK, but I would like to give birth and stay in France during my maternity leave, since my family lives there. Will the health care costs related to the birth be covered in France and can I receive my maternity benefits there?

The UK, as the country where you are insured, remains directly responsible for paying your maternity benefits in cash, i.e. benefits that replace a wage that has been suspended due to sickness, according to the UK legislation, regardless of the fact that you are staying in France. The European Health Insurance Card, delivered by your UK health institution before leaving, will cover, under the conditions of the French legislation, all medical treatment in conjunction with your pregnancy, including child birth, while you are staying temporarily in France on the condition that the giving birth in France would not be the main reason for your stay. However, since you are actually planning to give birth in France, please contact your local health authority as you will need special authorisation by way of an S2 form. If your stay is not a short stay but an actual change of residence (i.e. you move the "centre of your interests"), then the European Health Insurance Card (EHIC) and S2 will not apply anymore, and you will need to register with the French healthcare institution of your place of residence, using an S1 form delivered by your UK institution.

Family benefits

210.

I am Spanish but have worked all my life in France. I have just retired and went back to live in Spain together with my family. Can I claim family benefits there?

As you have worked only in France, you are receiving a pension only from France. Your family benefits will therefore also be paid by France, in accordance with its own rules. The fact that you have now moved to Spain together with your family does not affect your entitlement to benefits from France. However, it may be the case that the Spanish legislation grants family benefits just on the basis of residence. In that case "priority rules" (see below) will be applied to divide competence between the two countries.

211.

I am personally entitled to family benefits over the same period in France and in Italy. Can I receive benefits from both countries?

No, you cannot receive family benefits twice over the same period and for the same family member. There are "priority rules" in cases of overlapping entitlements. If your double entitlement results respectively from your work (or pension) in one country and your residence in the other, priority will be given to the country of work (or pension). If you work in both countries, priority will be given to the country where your children live. If they live in a third country, priority will be given to the country (France or Italy) where the highest benefits are paid (or, if you are a pensioner, where you have been insured the longest). If your right is based on residence in both countries, the country where your children live has priority. Benefits due from the other country will be suspended up to the amount of the benefits due under the legislation of the country that has the priority. If the amount of family benefit "suspended" is higher than the benefit provided by the country that has the priority, the country with higher benefits will have to pay the difference between the two benefits. However, such a differential supplement does not need to be provided for children residing in another Member State when entitlement to the benefit in question is based on residence only.

212.

I work in Finland, but my family has remained in Estonia, our home country. Where should I claim child benefits?

You are generally entitled to family benefits in the country where you work (or from which you get unemployment benefits or a pension), in your case Finland. You must submit a claim to the competent institution there, where necessary through your employer. That institution will contact the Estonian institutions in order to get information about the composition of the family (number of family members, their age, address etc.). If your spouse works in Estonia, Estonia is primarily

responsible for your family benefits because that is where the children live. Entitlement to family benefits in Finland is suspended up to the amount of benefits provided by Estonia. If the amount of family benefits paid in Estonia is lower than Finland, the difference will be made up by a supplement paid by Finland.

213.

My spouse and I both are cross-border workers: I work in France, she works in Luxembourg and we live with our children in Belgium. Which family benefits will we receive?

In that case, the benefits will be paid by the country (France or Luxembourg) where the highest benefits are paid.

214.

I am divorced and live with my children. My ex-husband lives and works in another EU country and receives family benefits for the children living with me. He is not using the benefits for the maintenance of our children. Can I receive family benefits from the other Member State directly instead of him?

Yes you can. If your ex-husband doesn't use the family benefits he is receiving to maintain your family members, the institution that is providing these benefits can decide to pay them directly to you, as the person who is actually maintaining the family. If you want to make use of this right, you have to contact the social security institution of the place where you live. They will then contact the institution responsible for providing the benefits in the other country.

Unemployment

215.

How are my unemployment benefits calculated if I have worked in several countries?

It is for each country to decide who is entitled to unemployment benefits, how much they will receive and for how long. However, under EU law, the following rules apply: you will be entitled to unemployment benefits under the same conditions as the nationals of the country which pays your benefits - this country is generally the one where you last worked (unless you resided in another country); the periods of insurance or employment that you have completed in other countries must be taken into account, if this is necessary to your entitlement to the benefits; if the amount of unemployment benefit depends on your previous professional income, only the professional income that you received in the country where you last worked is taken into account; if members of your family reside in another EU country, and the amount of your unemployment benefit increases according to the number of members of your family, they will be taken into account as if they were residing in the country which pays your benefits.

216.

How can I certify periods of employment or insurance completed in another EU country?

You can ask the institutions of the countries where you have worked for a U1 document. This form will allow the institution which is dealing with your claim to take into account periods of insurance or employment that you have completed in other countries.

217.

I have been living in Ireland and commuting to work in Northern Ireland. I have recently been made redundant. Am I entitled to receive any unemployment benefits in Ireland?

That will depend on the legislation of Ireland, but in any case, since you were a frontier worker, i.e. a worker in one EU country and resident in another and returning there every day or at least once a week, you should register with the employment services and claim unemployment benefits in Ireland, where it is assumed that you will have greater chances of finding a job, and where in any case you don’t have to "commute" to the employment services of another country. Although

you have not paid any contributions in Ireland during your last working period, you will receive your benefits as if you had been insured there. If the amount of unemployment benefits depends on your previous professional income, the benefits will be calculated on the income you actually received in Northern Ireland. The information concerning your last professional activity will be exchanged electronically between institutions. You can also ask the Northern Ireland institution for a U1 document containing this information. Presenting this document to the employment services of Ireland may help accelerate the decision on your claim.

218.

As a cross-border worker, if I lose my job, can I opt to apply for unemployment benefit in the country of my last employment?

No, not if you were a frontier worker according to the European definition (see previous question). However, you can — as a supplementary step — register with the employment services there, and therefore comply with the control procedures and obligations of both countries. However, as the benefits are always paid by your country of residence, the obligations and job-seeking activities there have priority. Another option is to request the export of your benefits to the country where you previously worked or to another EU country, if you feel you have more chances of finding a job there.

If instead you did not return to your country of residence at least once a week, you are considered to be a cross-border worker other than frontier worker and you can then choose in which of the two countries to register with the employment service and to claim unemployment benefits. You may register with employment services in the country of last activity and claim unemployment benefits there, if you don't return to the country of residence.

In any case, the calculation of your unemployment benefits is based on the professional income you received during your last activity in the country where you worked.

219.

As a German worker posted to France by my employer, where can I claim unemployment benefits if I am made redundant while in France, and have my residence here?

You have two options: you can either register with the employment services and claim unemployment benefits in Germany, or you can stay in France and look for a job and claim unemployment benefits there. In any case, whichever country you choose, you can apply for an authorisation to export unemployment benefits to the other EU country (or a third one) for a limited time.

220.

I receive unemployment benefits in Germany. Can I look for a job in Austria and still receive unemployment benefits?

Germany, as country of last employment, will in any case be the country competent to pay you the unemployment benefits, under the conditions of its legislation. However, yes, you can look for a job in Austria by requesting the export of your benefits for a limited period of three months from the date you ceased to be available to the German employment services. The German institution may extend this period to a maximum of six months. To make sure you don't lose any unemployment benefits, you should apply for an extension before the end of the first three months. National authorities are not obliged to grant an extension. They will decide based on an assessment of your circumstances. Beware: if you are not able to find a job in Austria, you have to return before the expiry of the period specified on your U2 form. If you return later, without the explicit permission of the German employment services, you will lose all remaining entitlements. Instead, you can return earlier at any time.

221.

After losing my job in Spain I returned to Portugal and asked for the export of my Spanish unemployment benefits to Portugal. I was told this was impossible. Why?

There is a procedure and a sequence to be respected, which you did not respect. You must first make yourself available to the Spanish employment services for at least four weeks after becoming unemployed (these services can choose to make an exception in your case, e.g. if you are Portuguese). Then you have to apply for a U2 form, the document that will allow you to register with the Portuguese employment services. You will have to that within seven days after leaving Spain, and then comply with the obligations and the control procedures organised by the Portuguese employment services. Unfortunately, many unemployed persons lose their entitlement to benefits because of unfamiliarity with these conditions. They leave the Member State where they last worked without having registered with its employment services, they register too late with the employment services of the state where they are looking for work, or they return after the expiry of the exportation period.

Invalidity pensions

222.

I have lived and worked in several EU countries, where should I claim an invalidity pension?

Normally, you will receive a separate invalidity pension from each EU country in which you have worked. You should claim your entire invalidity pension in the country where you live, unless you have never been insured there. Otherwise contact the social security institutions of the country where you were last insured. The institution to which you submit your claim will forward it to the institutions in all other EU countries in which you have worked. In order to facilitate this, you should submit detailed information about your employment and/or insurance in another EU country than the one where you submit your claim.

223.

How is my invalidity pension calculated if I have lived in several EU countries?

These are the possible situations: (a) If you have only been insured under schemes where the amount of benefit depends on your length of insurance coverage, you will get a separate pension from each country corresponding to the periods of insurance you completed there. (b) If you have only been insured under schemes where the amount of benefit is independent from your length of insurance coverage, you will only get a pension from the country where you were insured when you became an invalid. (c) If you have been insured in two or more countries with both types of schemes, you will receive a pension based on the length of your insurance coverage in the respective country from each of these countries. However, if you were last insured in a country with a scheme where the amount of benefit is independent from your length of insurance coverage, under certain circumstances you may only receive an invalidity pension from this country. Ask your insurance institution for further information.

224.

Are the authorities of the other countries obliged to recognise my degree of invalidity, as assessed by a doctor in the country where I now live?

No. With few exceptions where equivalence between national legislations on the determination of the degree of invalidity is expressly recognized, it is for the national institutions of each country concerned to decide, according to their own national legislation, for the pension or their part of the pension they calculate. Criteria for assessing invalidity vary from one country to another.

225.

I am disabled and I want to move to Spain. Will I be granted the same level of protection there? What happens to my pension if I move?

When you are entitled to an invalidity pension under the legislation of the competent country, it will be paid to you regardless of where you reside or stay in the EU. You might also qualify for a Spanish invalidity benefit after having moved there. You may be assessed with a different degree of invalidity by the local doctors, for better of worse.

226.

Do I have to go back to the country that pays my pension for any required checks?

If you are living or staying in one EU country but your pension is paid in another, any necessary administrative checks and medical examinations will normally be carried out by the authorities in the country where you are living or staying. You may, however, be required to return to the country paying your pension for some examinations, if your health allows you to do so, namely for the purpose of verifying whether your invalidity degree has changed.

Old-age pensions, early retirement and survivors' pensions

227.

Can I get the pension contributions I have paid in Sweden refunded if I go and live in Austria?

No, but they will not be lost. You will get a separate pension from each EU country where you have worked or contributed for, in principle, at least a year.

228.

I have worked in several EU countries. Who keeps track of my periods of cover in other European countries?

In each country, your insurance record is preserved until you reach the pensionable age. When you will make your pension claim, the competent contact institution will liaise with the institutions of the other countries concerned and establish a summary note, the portable document 'P1', which will give you an overview of the decisions made by each country on you pension claim. It will inform you on the way the institutions have dealt with the different periods of insurance and allow you to see, for instance, whether there are gaps, or overlapping of certain insurance periods.

229.

I am soon going to retire to France after having worked in different EU countries, including France. Are all the contributions I have paid in different European countries added together to determine my pension entitlement in France?

If by that you mean that you could get a French pension corresponding to your total career in the EU, the answer is no. You will get a separate pension from each country where you have worked for at least a year. Your pension will be calculated according to your insurance record in each country: the sum you will receive from each of these countries will correspond to the length of your social security coverage there. However, if your insurance record in France is too short to qualify for a pension, then yes: there will be a form of adding-up of periods (see below).

230.

The time I have worked in the UK is too short to qualify for a pension. Do I lose my contributions?

No. The periods you completed in other countries will be taken into account. All the periods will be 'aggregated' (i.e. added-up) and then your UK pension will be calculated on a pro-rata basis. The same rules will apply in each country concerned. If you have been covered for less than a year in the UK, a special rule may apply, as some countries do not provide a pension for short periods: your months of insurance or residence in the UK will not be lost but taken into account in the calculation of your pension by the other country or countries where you worked longer.

231.

Will periods during which I had social-insurance cover in Romania before it joined the EU be taken into account for my pension entitlement now that I am working in Italy?

Yes. EU coordination rules ensure that periods of work in countries before their accession to the European Union are taken into account.

232.

If I have worked in two EU countries, surely I can retire at the pensionable age in either of the countries concerned?

You could be entitled to your old-age pension in one country at 60, yet have to wait until 67 in another. Under such circumstances, it is important that you get information in advance, from all the countries where you have worked, on what your situation will be if you change the date of payment of your pension. There might be an effect on the amounts that you will be paid if you take one pension earlier than the other. The competent institution in the country where you live and/or the institutions of the countries where you worked can give you further advice.

233.

I worked in several EU countries and I intend to retire soon. Where should I apply for my old-age pension?

You have to apply in the country where you reside at the moment of making your pension claim. That country is then responsible for processing your claim and bringing together records of your pension contributions from all the countries you have lived in. Once the contact institution has been notified of all the decisions from the different countries, it will send you a summary note of these decisions (a P1 document).

234.

Where should I apply for my old age pension if I live in Slovakia but only ever worked in the Czech Republic?

Since you have never worked in the country where you now live, you should apply directly to the Czech institution. Your application will then be processed there. It does not matter whether or not you live in the Czech Republic when you reach the pensionable age; you will still be paid a pension.

235.

I am a British pensioner. If I decide to live in Spain, will I still get my pension?

Yes. Your British pension will be paid to you regardless of the fact that you stay in Spain, without any reduction, modification or suspension.

236.

I work in Belgium and I am considering going on pre-retirement to join my daughter in Spain and settle there. Will I still get my pension if I move? And will my contributions record in the Netherlands be taken into account for the calculation?

Statutory pre-retirement schemes must be "exported" when retiring abroad. However, the principle of aggregation of insurance periods does not apply: this means that the periods of insurance, employment or residence completed in other countries (e.g. the Netherlands) do not have to be taken into account when calculating your Belgian and possibly Dutch pensions.

237.

Can I still receive my survivor’s pension, if I decide to live in another EU country?

Yes. In general, the rules which apply to pensions for surviving spouses or orphans are the same as the ones applying to invalidity and old-age pensions. In particular, survivors' pensions have to be paid regardless of where the surviving spouse resides in the EU.

238.

What will happen to my supplementary pension scheme in the UK if I am posted to work in France?

If you continue to work for the same employer as a posted worker, you have the option of remaining within your UK supplementary pension scheme during the period of posting in France. You and, where applicable, your employer are thus exempted from any obligation to make contributions to a French supplementary pension scheme. French legislation may not discriminate against your occupational schemes established in the UK, e.g. through preferential tax provision for of domestic schemes or deductibility of domestic contributions.

239.

And what if I change employer and have to leave my current occupational pension scheme: what will happen with the rights I have built under it?

If you move to another EU country, your employer, the trustees of the scheme or other persons responsible for its management are obliged to inform you about the consequences and the choices which are available to you under the scheme. If you choose or have to leave your current scheme, the UK must take the necessary measures to ensure the preservation of your vested pension rights to the same extent as for persons in respect of whom contributions are no longer being made but who remain in the UK. Benefits due under the UK scheme will have be paid to you in France net of any taxes and transaction charges.

Social assistance

240.

I am jobless and I receive social assistance payments in France to support my child I am raising alone. Can I move to another EU country and still receive these payments?

EU coordination for people moving in Europe only covers social security, not social assistance, i.e. non-contributory benefits. It is for EU countries to determine the conditions for maintaining social assistance benefits to non-residents. Usually a condition of residence is required.

TAXATION

Taxation of goods

241.

Do I have to pay VAT when I buy a product or ask for a service in another EU country, even though I do not reside in that country?

Yes. Import duties have been abolished between EU countries, but that does not mean that the EU is a duty-free shopping area for travelers. As an exception, you are exempted from paying VAT when you buy a new car in another EU country, but you will then have to pay it in the country where you register the car.

242.

Do I risk having to pay VAT again on the washing machine I buy in Poland?

No. When you are shopping as a private individual in the VAT territory of the EU, whatever the product (except new cars) or service, the price you pay is VAT-included, at the rate of the country where you make your purchase. You will not have to pay VAT again in Germany, and of course import duties have been abolished.

243.

I live in France. I bought a new car from a dealer in Belgium and paid VAT on it. Now I am asked to pay it again as I register the car in France. Surely that is wrong?

Yes and no. You are obliged to pay the VAT in only one country, and for cars, as an exception to the general rule, this is in the country where the car is meant to be registered, i.e. France in your case. You would have made things easier for yourself by telling the dealer that the car was intended for registration in France, thus avoiding being charged Belgian VAT. You should now apply for a VAT refund from the Belgian tax authorities, based on evidence from the French authorities that you registered your car in France within 6 months since it was first put on the road and before it has clocked up 6,000 kilometres.

244.

What if I buy a used car in Germany: do I have to pay VAT in that case?

Not if the seller is a private individual; in that case you do not pay VAT in any country. If you buy from a car dealer or any other re-sale business, then you will normally be charged German VAT on the full selling price. However, if the car was supplied to the dealer by a private individual, a small business or a company benefiting from a VAT exemption, German VAT will be charged only on the profit generated by the re-sale – that VAT will not appear on the invoice and you will not be able to claim it back.

245.

I have been on holiday to Spain, where I bought 1000 cigarettes to take back to France with me. The French customs obliged me to pay a tax on them if I did not want them confiscated. Is that allowed? I thought import duties had been abolished between EU countries?

If you are travelling with tobacco, alcohol, fuel or other goods subject to excise duties and you stay within the personal-use thresholds, you won't have to pay excise duty in the EU country of destination. The EU has set up limits, beneath which you are not subject to customs formalities and you do not have to prove that the goods are for your personal use. For cigarettes, this limit is 800 cigarettes. Beyond this limit, you need to declare the goods at the border and probably have to pay excise duties unless there are special circumstances to convince the customs authorities that the goods are not for resale. For a detailed view of the limits applicable to each type of product, consult the website of the Commission dedicated to Taxation and the Customs Union – “Information for travelers”.

246.

What happens if I travel from Italy to Germany through Switzerland with goods subject to excise duties?

If you travel from one EU Member State to another through Switzerland (or another non-EU country), you may carry goods for personal use without border formalities as long as the thresholds set out for the entry into Switzerland and re-entry into the EU are not exceeded. For a detailed view of the limits applicable to each type of product, consult the website of the Commission dedicated to Taxation and the Customs Union – "Information for travellers". If you carry quantities exceeding those thresholds, declare them when entering Switzerland. Swiss customs may require you to provide a financial guarantee which you will receive back when you leave the country with the goods. You must also declare the goods on re-entry into the EU. No duties apply if you can prove that they come from another EU country and are intended for personal use.

247.

What about shopping in territories with a special status, like Gibraltar?

You can buy duty-free in Gibraltar, if you are not a resident there, because it is one of the territories of the EU Member States which are excluded from the EU VAT territories. The other excluded territories are: the areas of Cyprus not under the effective control of the Government of the Republic of Cyprus; the French Overseas Departments; the Island of Helgoland and the territory of Büesingen (Germany); Mount Athos (Greece); the Åland Islands (Finland); Livigno, Campione d'Italia and the Italian waters of Lake Lugano (Italy); Ceuta, Melilla and the Canary Islands (Spain); the Channel Islands (UK). Inversely, note that the Isle of Man and the Principality of Monaco are included in the EU VAT territories, although they are not part of the EU territory.

248.

I am taking a ferry from Stockholm to Finland via the Åland Islands. Can I buy duty free?

The Åland Islands are a territory of Finland excluded from the EU VAT territory. Therefore you can buy duty free (i.e. without VAT or excise duties) in so-called "duty-free shops" on board the ship and in the Islands themselves. There are no limits as to the quantity or value of the goods that can be purchased duty and tax free. You should however bear in mind that the importation of these goods in Finland (or any other part of the EU VAT territory will be subject to duty and tax allowances, similar to those applying to travellers that enter the EU from a non-Member State. The limits are lower than for travelling within the EU VAT territory, and there is also a condition that the imports only take place occasionally. For a detailed view of the limits applicable to each type of product, consult the website of the Commission dedicated to Taxation and the Customs Union – "Information for travellers".

249.

I live in Malta and I want to mail order books from the UK. Where should I pay VAT?

You will be charged the price inclusive of UK VAT, if the seller is established in the UK or, if you made your purchase through the internet, if the website is situated in the UK. If the annual sales of the seller to Malta exceed a certain threshold, he will need to register in Malta and charge you Maltese VAT. For sales below the threshold, the seller may also choose to register voluntarily in Malta.

250.

I want to import cigarette from Spain over the internet to avoid the high taxes in France. Is that possible?

No. If the cigarettes (or any other product subject to excise duties) are sent to you in France in a postal consignment, even though it is sold from an internet site situated in another EU Member

State, it will still be subject to the French excise duties, and also French VAT. The seller will have to pay these taxes before being able to legally deliver you the cigarettes.

251.

I want to import wine to Sweden over the internet to avoid the high taxes here. Is that possible?

Your country of residence, Sweden, like all EU Member States expects to receive excise duty to be paid on wine imported from another country via the internet. This duty may be payable by the purchaser, the seller or the transporter, depending on national legislation.

Income taxes

Warning: the replies below are based on the most common rules found in bilateral and international tax conventions, which in any case do not cover all eventualities. Moreover, some bilateral agreements have not been renewed recently, which is a source of concern. Ask your tax office or a European employment adviser.

252.

I am offered a one year job in another EU country. Will I have to pay taxes on my salary there?

Yes, this is very likely. The country where you will stay more than 6 months per year will consider you as a resident for tax purposes there. That country will normally tax the income you earn while working on its territory. You should find out whether you will be considered a tax resident in your new country and what the applicable rates and tax deductions are.

253.

And what about the taxes on my income which is not in the country where I intend to stay?

The country where you are tax resident might have the authority to tax your income earned worldwide.

254.

My current French employer is sending me to work as a posted worker in Denmark. Where will I be taxed?

If your status of posted worker is recognized in Denmark, you will probably be able to remain tax resident in France, as long as the posting does not exceed 6 months. There is likely to be more flexibility if your employer is a public authority, and even more so if you are a civil servant, because tax minimization by employers is less of an issue in such circumstances.

255.

I have posted myself, as self-employed worker, in another EU country for the one year duration of a mission there. Presumably I will remain tax resident in my country, if I retain my social insurance there?

No. For tax purposes, only employees can be posted. You will become tax resident in the country where you work if you stay there more than six months in a tax year.

256.

I am British and a British resident, with irregular professional activity in the UK. I am going to work in Austria as a ski instructor for three or more months this year. Where will I pay taxes?

In this situation, i.e. if you stay in Austria less than six months, there is a distinction between the income you earn from work abroad and income from other sources. Austria will normally tax the

income you received for work carried out on its territory, if your employer is a resident in that country. Income from other sources will be taxed in the UK.

257.

I have been offered a job in Belgium and I will continue to live in France and commute every day. Where will I pay taxes?

As a cross-border worker, you will normally pay taxes on your salary in Belgium, where you will see a provisional amount retained on your salary. However, as a tax resident in France, it is in France that you will have to declare your world revenue, including your Belgian salary, in order to determine the French taxation rate on your worldwide revenue. Normally, income earned by a cross-border worker may be taxed in one or both of the Member States concerned, depending on the bilateral treaty. In the latter case, tax paid in the member state of work would normally be taken into account when determining the tax liability in the member state of residence, in order to avoid double taxation.

258.

As a cross-border worker, I contribute to the social security scheme of my country of employment. I suppose therefore that I will also pay my taxes there?

Not necessarily. There is a single European-level definition of cross-border worker in the area of social security coordination, while this is left for bilateral agreements to determine in the area of taxation. Not all bilateral agreements will have special rules for cross-border workers, and where there are such rules, the determining criteria include not only the frequency of returns home across the border (like for social security) but also the geographical distance from the border.

259.

I am considered as a resident for tax purposes in my country of residence but I work in another EU country. Can I nevertheless deduct work-related costs in my country of residence?

The rules of deduction of expenses related to work are set by each individual Member State, which has broad freedom in determining them in its internal law. However, when applying its deductions, a Member State should observe EU law which prohibits discrimination of taxpayers from other Member States. Therefore, in your country of residence, you should be treated in the same way as residents who work there. You may, for example, and depending on the law in the country in question, be able to deduct costs for travelling to and from work, pension contributions etc. However, if you earn most or all of your income in your country of work, you may also be entitled to certain personal tax deductions in your country of work. In that case your country of residence may be entitled to reduce personal tax allowances accordingly, so that you do not get tax allowances twice. As regards the right to deduction of work related costs in the country of work, please contact the tax authorities of your countries of residence and work to establish whether the local law provides for such deductions and, if so, you should in principle also benefit of the same possibility.

260.

I am considered a resident for tax purposes in Belgium, where I work, although I live in France. Can I claim in Belgium the same sax tax advantages related to my family and personal situation as resident Belgian workers?

It is up to each Member State to decide on the personal allowances which it wishes to grant, subject to respect for EU non-discrimination rules. If you are tax resident in Belgium your personal situation should be taken into account in Belgium. Please check, however, if the French tax authorities would consider you to be a French tax resident – which could be probable since you live there. In this regard you should check the double taxation convention between France and

Belgium. If your tax residence is actually in France, Belgian authorities could revise their approach to the personal deductions. However, as a French resident you should have the right to claim personal allowances in Belgium if the whole or almost whole income of your family is derived from Belgium. In that case France might be allowed to reduce its personal allowances accordingly, so that they are not enjoyed twice.

261.

I am a cross-border worker. Can I claim in my country of residence, where I am considered a resident for tax purposes, tax rebates for my contribution to an occupational pension scheme in my country of employment?

Yes. That contribution is directly linked to your economic activity which generated the taxable income, and your situation is therefore comparable to that of a resident worker. So you should be able to claim such tax rebates.

262.

I am a Swedish pensioner retired in Spain. I thought double taxation of income was forbidden in the EU. How come I have to declare income in the two countries at the same time, and namely declare in Spain my Swedish pension on which a tax is already taken at the source?

Your confusion is understandable. Although there is no EU competence in the area of income taxes, double taxation is however not in conformity with EU law because it is a barrier to the free movement of workers and other people in the EU. However, having to declare the same income in two EU countries does not amount to double taxation. Through bilateral agreements, EU countries have – or at least should have – defined the mechanisms through which double taxation is avoided. These mechanisms can vary. It is likely that your Swedish pension will be exempted or that you will receive credit for it.

263.

I am a Finnish pensioner in Italy. Can Italy tax me on the income from my pension plan I have contributed to for over 40 years in Finland?

Income from pension plans is usually exempt, except in Denmark, Italy and Sweden. If, in application of the bilateral tax agreement, Italy is the country of your tax residence and where your investment results are to be taxed, you will be treated equally, for better or – as in this case – for worse, with the Italian pensioners.

264.

Can the country from which I receive dividends retain more taxes on these just because they are paid to me in another member state?

No. The EU's equal treatment principle applies generally to the taxation of dividends, interest and other securities income, and it applies equally in the country of residence and in the country of provenance, to ensure the free movement of capital. Whichever the country that is taxing, there must be equal treatment with domestic dividends.

265.

I receive interest from saving accounts from Germany. The Swedish authorities say I have to pay taxes in Sweden, but I am already charged withholding tax from the German bank. Can this be true?

Yes, Sweden can tax you on these savings if the bilateral treaty with Germany so provides. However, you may avoid withholding tax in Germany by showing to the German bank a certificate drawn up by the Swedish tax authorities declaring that they have been made aware that you hold savings abroad. To assist you in this, contact the Swedish contact point for this. Unfortunately

there is no similar procedure for income from securities and the procedure to avoid withholding tax relief can be complicated and time-consuming.

266.

My father has just died and I will inherit a house in the South of France. I am British and live in the UK. Where will I have to pay the inheritance tax?

This should be governed by the bilateral tax agreement, to avoid double taxation. However, in practice, cross-border inheritance tax problems still exist and this is currently being examined by the EU.

MOTOR VEHICLES

Driving license

267.

Can I drive a car in other EU countries this summer with my UK driving license?

Yes, if you hold a category B UK license it will be valid throughout Europe to drive a category B vehicle. The categories and optional sub-categories which have been harmonised at EU level are the following: categories A, B, B+E, C, C+E, D and D+E; subcategories A1, B1, C1, C1+E, D1 and D1+E.

268.

Can I drive my quad bike on a motorcycle license during my holidays abroad?

Some countries impose more restrictions than others on motorbike licenses. Not all allow driving a category B1 vehicle with a category A or A1 license, or a category A1 vehicle with a category B license. A specific category of license (e.g. a motorbike license) may allow you to drive vehicles of another category (e.g. a quad) in the country that issued the license, whilst this would not be the case in another country. So, it may be that you are not allowed to drive abroad the vehicle you can drive in your home country. Check that with the local authorities or consular services before departing. The right to also drive quads with a category A or A1 driving licence is limited to the territory of the issuing Member State. However some Member States might accept your A or A1 licence for this purpose.

269.

I am moving to Bulgaria. Will my Greek license be recognised there?

Since your license was issued by an EU country, it will be recognised throughout the EU, with the same limits. You will not be required to exchange it for a Bulgarian driving license as long as your licence has not lost its administrative validity. Please note however that, if your original license had been issued by a third country and then exchanged for a local license in Greece, Bulgaria is not obliged to recognise it.

270.

I have moved to France. Will the category T recorded on my UK driving license for tractors be recognised there?

The category T driving license is not harmonised at EU level and French authorities are free to recognise it or not. If they do grant you the T category, it will be on a new French license, so you will have to exchange your license even if the other category(ies) you have is (are) harmonised.

271.

Can I drive in other EU countries with my category B license although I obtained it when I was 17 years old?

If you are still 17 years old, some countries may refuse to recognise your license B (i.e. for cars). If you are now 18 years old or over, your B licence must be recognized by other Member States even when it was issued when you were only 17 years old.

272.

My driving license is not a new “Community model license”. Will it still be valid in other EU countries?

Yes. If it was issued in an EU country, it remains valid throughout the EU until its stated expiry or an earlier period possibly set by the issuing country. You can exchange it for a new Community

license before it expires. The new license issued will be the Community model, which will make the recognition of your rights easier and swifter.

273.

I am Brazilian. Is my international driving license, which is recognised in Portugal, valid throughout the EU?

The international driving license is nothing more than a certified translation of your presumably Brazilian driving license, and serves to facilitate road side checks or exchange of the license, if applicable. If you move to another EU country, that country is not under the obligation to recognise your third country license, even if it has already been recognised in Portugal. The rules on mutual recognition apply only to licenses originally issued in the EU.

274.

I was stopped by the police in the Netherlands, where I now live, and on that occasion I was told that I had to exchange my Danish driving license for a local model. Is that legal?

The host state may apply its national rules on the period of validity of the driving licence. As in Denmark there is no limited administrative validity up till the age of 70, the Dutch authorities may apply their national period of validity to your licence and for that purpose require that you exchange your licence for a Dutch one. In principle you are not obliged to exchange your driving license issued by another EU country, although you may choose to do so. But you have no choice if your license has expired under the rules of your country of residence; in that case you are obliged to exchange your license for the local model. Even before expiry, you may be obliged to register your license with the local authorities for administrative purposes. Sanctions for driving offences committed in the country of residence may also give rise to an obligation to exchange your driving license.

275.

I have moved from Belgium to Italy. The Italian authorities recognise my Belgian driving license but want to shorten its validity and make the renewal subject to periodical medical exams. Is that legal?

Yes, they are entitled to apply the same restrictions to your license as to those issued locally. The new validity period for your license will start on the date you take up residence in Italy.

276.

I am from the Netherlands, where driving licenses for cars have a limited duration, and I have moved to France where they do not. My Dutch license is about to expire. Will the new French one be unlimited?

Yes, the new license will have unlimited validity, in accordance with the French rules.

277.

I have moved to another EU country. Can I still apply for a driving license in my country of origin?

No. Only one country is competent, and that is the country of your residence, i.e. normally the one where you live most of the year. The same applies to get your permit renewed or duplicated (after loss or theft), or to add a new category on it, in which case your permit will be exchanged for a local one.

278.

I am Irish and I have moved to study in the UK. Where should I apply for a driving license?

As an exception for students, you can choose to apply either in the UK (if you have lived there for at least 6 months) or in your country of origin, i.e. Ireland.

279.

Is it possible to have two driving licenses issued by two different EU countries at the same time?

No, this is not allowed, and licenses revoked due to a driving ban still count as a driving license in this respect.

280.

I am Belgian. I recently received a driving ban on my Belgian license while driving in Spain. Can I still use my license in Belgium?

It depends on whether you are resident in Spain or not. If you are resident in Spain, the ban applies worldwide, including Belgium. If you are not, it applies only to Spain and the Spanish authorities must return you your license when you leave the country.

Fines

281.

After returning from Italy, I received by mail in France a letter in Italian which I could not understand. A friend tells me it is an injunction from a private company, acting on behalf of the public authorities, to pay a fine for speeding. Do I have to pay?

Yes, if you do not contest the offence. The fact that the Italian police use a private company to recover fines internationally is not in itself a reason not to pay. However, you should have the same procedural guarantees as those afforded to residents in Italy, as far as contesting the offence is concerned (e.g. evidence from the radar which recorded your speed). It is arguable that you can claim the right to receive a letter in French, in case the Italian public authorities operate, directly or through a private operator, outside the Italian territory.

282.

I am Italian and I was travelling in Austria when I was stopped by the police for speeding. They asked me to pay a fine in cash on the spot, otherwise my car would be held. Is that legal?

EU countries have latitude in enforcing measures of public order and public security, in the respect of the proportionality and equal treatment principles. If you contest the offense, you should just pay the fine (which is not admission of your fault and simply ensures that you will not evade justice by just leaving the country) and contest the offence before national courts of authorities.

Insurance

283.

Will my car insurance cover me while travelling in another EU country?

Your compulsory insurance for damages to others remains valid if you travel to or temporarily stay in another EU country. The Green Card delivered to you by your insurer – automatically or on request depending on your country of insurance – will facilitate your claim in case of an accident abroad. As regards comprehensive cover for damages to your car or to yourself (fire, theft, damage to your car, etc.) which are not standard part of insurance policies, it will depend on your contract, therefore you need to check with your insurer.

284.

I had an accident while travelling in Poland and the accident was my fault. Which minimum liability coverage will apply for damages to the other driver: that of my country of insurance, the Czech Republic, or that of Poland?

You are covered up to the amounts set in your insurance contract, which must respect the minimum amounts set by EU law or – if higher – those set by the Czech law. However, if the damage is estimated at over the Czech minimum coverage, and the Polish minimum coverage is higher, then it is the Polish minimum that will apply. Indeed, EU law guarantees the most advantageous coverage.

285.

I am the victim of an accident while travelling in Slovenia and I am insured in Austria where I reside. Where and how do I submit my claim for compensation?

You can either claim on the spot in Slovenia, to the insurance company of the person who caused the accident, or present your claim when you return to Austria. In the latter case, you have two options: you can submit your claim to the representative in Austria of the insurance company that covers the person who caused the accident, after checking with the Austrian green card bureau that the company has a national representative in your country; you can also submit your claim to the Austrian compensation body. Your insurer should be able to assist you in any of these procedures.

286.

The cost of car insurance varies a lot between European countries. Surely, if it is a single market, I can buy insurance in other Member States?

The reason why the costs vary so much is because prices are still influenced by local conditions in each country; inter alia the minimum compensation amounts for victims, the civil liability regimes, but also non-legal factors such as the cost of vehicle repairs. Even in your country, the prices may differ depending on where you live. Moreover, there are legal obligations to comply with for an insurance company to offer services in an EU country other than that where it is based or has a branch. This explains why insurance companies tend to operate through local branches or partners and why you may find it difficult, in practice, to find an insurer willing to offer you cross-border insurance services. Furthermore, insurers and consumers enjoy the freedom of contract which means that they cannot be forced into and business relationship.

287.

Can I keep my car insured with my current French insurer despite moving to Belgium?

When you register your car in Belgium – as you should if you plan to stay there over six months – you will have to present proof that you have insurance cover. The Belgian authorities will have to accept insurance cover from any French insurance company that is authorised to provide services in Belgium. In practice, you may find that your insurance company does not meet the latter condition, which means that you will have to find another insurer before ending the contract.

288.

I have bought a second-hand car in Germany and want to drive it back to France. Should I buy insurance in France or in Germany?

Normally you should buy insurance in the country where you register the car. However, because you live in France and will have your car registered there after the initial registration in Germany, you will have to use a French insurer. You should clearly explain to your insurer that you will also need cover from the moment the car is dispatched from Germany until you finally register it in France. Alternatively, you can have the car shipped to you.

289.

Can I keep my car insured in Spain, where I reside, while it is used for a year by my son during a period of studies in Portugal?

Even though your car will remain registered in Spain, you should check your insurance contract and see whether it covers the situation where the effective user of the car is a family member and,

moreover, one who is staying in another EU country. Otherwise, in the case of an accident in Portugal, your insurer might raise objections that he had not been informed of the fundamental change of circumstances.

290.

The insurer I have contacted in Finland is taking me in as new driver, because I have just moved from Italy and I have no claims history in Finland. Can he do that?

Your previous Italian insurer is obliged to give you a record of your claims history at any time, and certainly when you leave. That record will serve to inform insurers in Finland, but it is not binding on them when calculating your insurance premium. You should shop around with various insurers who may be willing to take into account your claims history so as to get the best offers in terms of prices and conditions.

Registration

291.

Can I keep my car registered in France although I now live in Belgium?

No, you cannot, unless you do not plan to stay in Belgium more than six months. For all sorts of reasons related to public policy and policing, and territorial competence, you are as a general rule obliged to register in the country where you reside effectively.

292.

I spend every week-end in Germany where I live with my family, and working days in Luxembourg, where I drive to. Where should I register my car?

If you are commuting regularly like this as a cross-border worker, you can keep the car registered in Germany where you effectively reside.

293.

I use a company car registered in Luxembourg and I live in Belgium, where I also carry part of my professional activities? Can I use the car in Belgium?

If you are an employed cross-border worker, you can use your company car for private purposes in Belgium without limit. The same applies if you are self-employed (i.e. it is the car of your company) provided that you are legally established in Luxembourg.

294.

I am Italian and every year I take a 3-month holiday in my second home in the French Alps, taking my car with me. Can I register my car in France?

No. You can only register your car in the country where you are permanently resident.

295.

I keep a car in Greece, attached to my summer house there, but I live in the UK. Can the Greek authorities oblige me to register it in Greece?

No, they cannot, since you are not permanently resident in Greece. However, they can forbid you to rent your car or simply to lend it Greek residents. Your car can only be driven by a Greek resident if you are on board, or otherwise by yourself or visiting relatives or friends. You may find it difficult to insure the car in Greece under UK registration, but you should explain the special circumstances.

296.

I am a Polish student, enrolled on a 2-year Master's course in the UK. Must I register my car there?

No, you do not need to, if the sole purpose of your stay is to study. But if you also start working during your stay, or if you stay in the UK after your studies, then you will have to register the car in the UK.

297.

I am working in Sweden on a 10-month temporary contract, after which I will return to Slovakia. Do I have to register my car in Sweden?

Yes, because your stay is longer than 6 months and – presumably – you will not be commuting between the two countries.

298.

I plan to buy a car in Germany and drive it back to France, where I live. How should I proceed for registration?

Although the car will eventually have to be registered in France, you still need to get German license plates to drive it back to France. If the car is new, you should get transit license plates – this will also allow you to avoid having to pay VAT in Germany; if it is a used car, you probably will have to get ordinary German registration, even for a short period. Consider having the car shipped to you in France and compare the costs.

Type-approval and roadworthiness test

299.

To register my trailer in Spain I am required to go through a type-approval procedure, even though it is the object of an EU certificate of conformity. Why is that?

The EU type-approval procedure has the purpose to ensure that the technical characteristics of a trailer or a caravan meet the harmonised technical safety requirements in force in the EU. If your trailer or caravan has a valid EU certificate of conformity, it means that the prototype of your trailer (or caravan) has already been checked by the competent authority of the country that has granted the type-approval. Therefore the Spanish authorities may neither impose an additional type-approval nor request any additional technical documentation for the purposes of registration or putting into service. They could, however, require a technical inspection in order to ensure that the trailer (or caravan) has not been modified after its delivery to the customer.

300.

I am required by the Italian authorities to produce an EU certificate of conformity for my vehicle now registered in France, as I intend to register it in Italy. Where can I find that?

There is an obligation on the manufacturer under Framework Directive 2007/46/EC to deliver an EU certificate of conformity at the time of purchasing a vehicle. Since you did not get the EU certificate of conformity you will need to ask either the original one or a duplicate from the vehicle manufacturer (possibly through your dealer). In most of the cases, the official importer of the brand in Italy could help you in undertaking the necessary steps. The issuing and delivery of a duplicate of an EU certificate of conformity will most probably be charged.

301.

Will the EU certificate of conformity be recognised even though my car was customised?

No, the EU certificate of conformity is a declaration of the Manufacturer stating that the vehicle described therein has been assembled on the production line under his responsibility and meets the requirements of EU law. A customised vehicle would have to undergo an individual approval under the national law in the Member State of registration. In the case, a customised vehicle is exported, the competent authorities of the host country will require specific technical checks or certificates to be provided or even conduct tests under its own national legislation before agreeing to register it.

302.

I am bringing a vintage car from the UK to Portugal, where I am retiring. Will I face difficulties to get it registered in Portugal?

Since the technical harmonisation of vehicles in the EU dates back to 1996, it is unlikely that your car will have an EU certificate of conformity. Your UK documents are valid only in the UK and it is likely that the Portuguese authorities will require some technical adjustments to the car. The modifications will have to be strictly proportional to the safety and environmental standards which they are meant to guarantee. It should be noted that many Member States have put in place specific national law including simplified procedures for vintage vehicles intended for restricted road use.

303.

I last had my car go through a road-worthiness test in Portugal less than a year ago. Will I have to go through the same test in Spain now that I am having it registered there?

The Spanish authorities may first require it to undergo a roadworthiness test before registering your car in Spain provided that all the following conditions are met: such test is also obligatory for Spanish residents when the holder of the registration certificate changes; the test does not duplicate any tests your car may already have had in Portugal; the mandatory periodic test in Portugal is due. The time between mandatory roadworthiness tests varies from country to country. However, even if your last test in Portugal is still valid under Portuguese legislation, you will have to follow the frequencies of testing in accordance with the Spanish requirements.

Taxation

304.

I am British and I have moved to retire in Malta. I have brought my car with me and, upon registering it in Malta, I am asked to pay excessively high import taxes. I thought import duties were abolished in the European single market?

Your confusion is understandable. While import duties have been abolished within the EU, there is no EU law on vehicle registration and road taxes, which are a different kind of tax applying to cars registered in the country, regardless of their provenance. You will be required to comply with the local rules, as long as they do not discriminate imported cars. For instance, the tax to be charged should not be higher than the amount of the residual tax incorporated in the value of a similar car already registered in Malta.

305.

I am moving from Belgium to Portugal with my car. The Portuguese registration tax is very expensive. Is it not unfair to have to pay such tax again when I have paid it already in Belgium, and Portuguese residents pay it only once on the same car?

Passenger car registration tax is not harmonized at EU level. As a result, Member States remain free to levy a registration tax when a car is registered on their territory for the first time. In consideration of the disadvantageous taxation of citizens in your situation, in the current state of play, it is for the Member States to decide whether to grant exemptions when the car is moved as part of a change in residence of the owner. Information on whether in the case at hand such an exemption is applicable and under which conditions should be requested from the Portuguese authorities.

GOODS, SERVICES AND CAPITAL

<u>Shopping in the single market</u>

Note: the same rules apply for goods purchased in the same country, although the questions are presented in terms of cross-border situations.

306.

The new mobile phone I bought this summer in Hungary while on holiday there, does not work anymore and I am now back in Germany. Who should I turn to?

You have two possibilities. Either you invoke the commercial guarantee under the terms of your contract (if such guarantee is offered) with the manufacturer, if it is represented in Germany; or you invoke the statutory 2-year guarantee which is legally binding on the retailer.

307.

The phone stopped working properly after 16 months. The retailer says there is only a 1 year guarantee on the same product, whereas it is 2 years or more on similar products here in Germany. Is that normal?

There isn't full EU harmonisation as far as retailer guarantees are concerned, however, under EU rules, as a minimum, you are entitled to a 2-year retailer guarantee on any product sold by a professional retailer established in the EU. The 2-year period starts from the moment you take possession of the product, i.e. in the shop or on delivery – so do keep any delivery statements.

308.

The Hungarian retailer says it is up to me to prove that the phone was defective. Can he do that?

Yes. Had the default appeared within the first 6 months of use, it would have been presumed under EU law that it existed at the time of the delivery and only became apparent later. After 6 months, you can still invoke the 2-year guarantee but, if the retailer contests that the default existed from the start, you may have to prove it, probably by involving a technical expert. Some EU countries even grant a longer period than the 6 months mentioned – so try to get more information, e.g. from you local European Consumer Center or the one in Hungary.

309.

The Hungarian retailer agrees that the product is defective, but won't repair it for free because the manufacturer's guarantee has expired, even though I have had the product for less than two years. Is that legal?

No. The seller is mixing up the legal guarantee and the commercial guarantee. The commercial guarantee may be more or less advantageous than the legal guarantee, but it does not replace it. Under the 2-year legal guarantee, he should repair it for free or replace it, or otherwise provide a refund.

310.

Under the retailer guarantee, can I demand a refund if the product I bought is defective?

Not right away. The retailer must give you the choice between having the product repaired or replaced (unless either solution is disproportionate). Only if both solutions turn out to be impossible (e.g. it would take too much time or be too costly to repair, or the same product is not available within reasonable time) can you demand a refund under EU law.

311.

The retailer in Spain is ready to repair my defective camera, but says I will have to pay for shipping back and forth. Is that right?

No. Under EU rules, if the camera you purchased is recognised to be defective, you should not bear the cost of repair or replacement, and this includes shipping costs. However, before recognising that the camera is defective, the retailer may ask you to pay for the shipping to return the camera to him, and eventually reimburse you for the shipping cost.

312.

Can I rely on EU rules if I bought a good from a private, not a professional, seller?

No. In this case, all you can rely on is the information you had at the moment of making the purchase and the rules contained in the contract and the EU country's law.

313.

I am resident in Denmark and I would like to buy my car in Germany where the prices are lower. The car dealer says he cannot sell the car to me because I am not resident in Germany. How is that possible in a single market?

Indeed, this is not in conformity with EU rules, which are aimed at ensuring that consumers can take advantage of price differences in the EU. It is prohibited for car manufacturers to have selective and exclusive dealerships, as a way to force dealers to refuse to sell to non-residents and thereby to keep markets separate. If you can get written evidence that the dealer is refusing to sell to you because you do not reside in Germany – which may be difficult in practice – contact the German or the Danish European Consumer Centre.

Distance-selling

314.

When I buy a product online from a retailer established in another EU country, can I rely on the same EU rules?

Yes, you have the same rights. You can also rely on other specific rules for online shopping and phone or mail orders, i.e. whenever you buy a good outside a shop.

315.

An online retailer is asking me for a lot of personal details. Should I be concerned?

If the retailer is established or uses equipment located on the territory of an EU Member State, it is subject to the law of that Member State on the protection of personal data, following common EU rules. The retailer may collect and process your personal data, but the information requested must be adequate, relevant and may not be excessive in relation to the specific purpose. In order to sell things online, you must give the retailer certain personal details (usually your name, address and bank details). The retailer must protect the security of your private data. He must provide you in a clear manner on the website with essential information, e.g. on his own identity, the purposes for the collection and processing of the personal data, possible other recipients of the data, the option to refuse data collection and as a possible option that you want your contact details used for any other purpose than the transaction in question, your right to access and rectify the personal data concerning you. In practice, this is usually done by means of a link to the privacy statement included in the webpage. In principle, the retailer may use your data for direct marketing of his own products or services, but it must provide you with the right to oppose, free of charge and in an easy manner, to this use of your personal data. In practice, this is usually done by ticking a box on the order form or giving an 'unsubscribe' link in each subsequent direct marketing email. To protect yourself against misuse of your personal data, you should continue to be cautious about the disclosure and only provide as many elements as are necessary for the purpose of the transaction. If you have the impression that your personal data is not treated properly by a retailer, and you cannot get a satisfactory reaction from the company, you may address your concerns to the competent data protection authority of your Member State. If the retailer is located in another country, your authority can ask the one in his country to investigate the issue.

316.

I want to buy a washing machine from a German website. I can't find the retailer's contact details anywhere on the site. Is this normal?

No. By law the retailer must give basic information on their website so that you can contact them in case of problems, and also to identify the applicable legislation in case of conflict. The basic information includes the name of the company, its registration number, physical location (not simply a P.O. Box), email address and phone number.

317.

I ordered online a CD that I never received. The retailer says it is the postal service that is responsible, not him. Is he right?

No. the retailer is responsible for the delivery of your purchases, and it is he who should contact the delivery service and prove that the product was delivered, and otherwise send you the product again or give you a refund.

318.

Five weeks have passed and I have still not received my order. What can I do?

If a product is not delivered to you within 30 days, you can cancel the order. If you have already paid, the retailer must give you a refund within 30 days.

319.

I have received a camera that I bought online, but it is not what I expected. I'm concerned because I've already paid for it. Can I send it back for a refund?

Yes. When you buy something online, you have 7 working days after receiving it to tell the trader that you do not wish to keep it. You don't need to give any reason. Simply inform the retailer that you wish to cancel your order, they must give you a refund. This refund will include any costs you paid to have the item delivered to you. However, you might have to cover the cost of shipping the unwanted product back to the retailer. Note: if you start using the good or service, you cannot cancel your order anymore.

320.

I bought a ticket for a concert online, and I can no longer go. Can I get a refund?

Not under EU rules, even if you are still within the 7-day "cooling-off" period, because leisure-services bookings are excluded from distance-selling rules, along with transport, accommodation and catering. However, check the retailer's own terms and conditions and the EU country's law in this case.

321.

Am I protected by EU distance-selling rules when I buy goods from an internet auction site?

No, auction sites have also been excluded from the EU rules because you are generally buying from a private individual. However, some EU countries have chosen to nevertheless include them. Moreover, reputable auction sites offer some degree of protection, plus plenty of advice about safe shopping on their site.

322.

I bought a cheap life-insurance policy on the internet and I have changed my mind. Can I cancel it?

Financial services are subject to special withdrawal rules in case of distance marketing. When bought online, the "cooling-off" period is 30 days for life insurance of private pensions, and this should be stated in the documents you received when entering in the contract. Consumer credit is

also subject to specific rules, with a 14-day "cooling-off" period, even when there is no distance-selling involved.

323.

Where can I get help if I don't get a satisfactory response from the retailer abroad?

You can contact your local European Consumer Centre, or the one in the country where you made your purchase. For cross-border financial disputes, the FIN-NET network offers aims to facilitate out-of court settlement.

324.

I am resident in Austria and I bought a service online via a German website. If I have a complaint, can I take it to an Austrian court?

In order to take your case to a court in your country of residence, you need to claim that the company effectively intended to sell its products abroad. If a company sells products or services on the internet, it does not automatically mean that it directs its commercial activity to other EU countries. It will be a matter of gathering elements indicating that the German company does in fact address its activity also to other EU countries.

Personal finance

325.

Can a bank refuse to open a bank account for me just because I do not reside in the country?

Yes. Requesting that you have a local address is legitimate (whereas denying the opening of a bank account merely on the ground of nationality would not be legitimate). Service providers, including banks, are free to provide cross-border services, but not obliged to do so, if they have good economic reasons not to do so.

326.

Can my bank charge me more if I transfer money to an account in another EU country, by comparison with a national transfer?

No, not for the same type of transfer, provided that the transfer is labeled in euros, that the amount is less than € 50,000 and that you give your bank the BIC and IBAN codes for the recipient's bank account. Note: this applies if you make a transfer between two European Economic Area countries, not only euro area countries.

327.

I received a euro transfer from a bank account in another EU country. Apparently this transfer was charged twice. Is that normal?

If the transfer was in euro and if the amount was less than € 50,000, the beneficiary should pay the same charges (if applicable) as for receiving a national transfer in euro of the same value. Contact your bank and ask for a reimbursement if this is not the case.

328.

I withdrew money from an automatic cash point in the UK while on holiday there, and my Dutch bank statement shows that I was charged for this. Is that legal?

Yes, since presumably your withdrawal was in the local currency (not in euro). In that case the banks involved may charge you both for a withdrawal and for a currency exchange. If you had withdrawn euros abroad and if your bank account is denominated in euro, there would have been no such charge or only the same charge (if any) as for retrievals through a cash point in the Netherlands (as is the case where there could be a charge when you retrieve from a cash point of another bank in the Netherlands).

329.

My wife and I want to buy a house in Belgium, where her work is based, but her Belgian bank will not consider my income from France for our mortgage application. Isn't that contrary to free movement of persons and capital?

No. Whilst banks may not discriminate against EU citizens on grounds of nationality (inter alia), they remain free to make a commercial decision whether or not to accept your application on the basis of their evaluation of your risk profile. In this respect, your country of residence, the source of your income or the location of the property to be mortgaged, can often make it difficult to obtain a mortgage if they are not all in the same country.

Cross-border services

330.

Can I have an architect come from Italy to work on the house I am renovating in France?

Yes. National law cannot prevent you from using an architect established in another Member State. In particular, you should not be required to obtain a specific authorisation. However, the architect you want to use should be qualified in Italy and should comply with the formalities for the temporary provision of services in France.

331.

Can I be denied the purchase of a train ticket from Brussels to London (and return) on the internet from the UK website, and therefore to benefit of the lower price for UK buyers?

Transport services are one of a number of services that remain outside the scope of the EU directive aimed at removing legal and administrative obstacles to trade in the services sector (the "Services Directive").. Other services excluded are healthcare services to patients, financial services, services by notaries, some social services and audiovisual services and radio broadcasting. As a result, you may be obliged to buy your train ticket in the Member State of your departure. However, while it remains the commercial choice of train operators to have their tickets sold by other parties, the Commission is currently working on the standards for a "Computerised Information and Reservation System for Rail Transport" that should, amongst other, increase the transparency on fares and special conditions in the future.

332.

If there is free movement of services, surely I can opt to pay into and be insured under the health insurance system of another EU country, if I find it more convenient?

No. EU laws allow Member States to set rules concerning obligatory statutory health insurance. There are EU rules to coordinate these rules and to determine which social security system applies in cross-border situations.

333.

I am Bulgarian and hold a Bulgarian driving license. The car rental company I have contacted in Slovakia is not willing to rent me a car if I am going to use it in Bulgaria. Is that legal?

Car rental companies are free to use the opportunity of free provision of services within the EU single market, but they are not obliged to do so. They can restrict the geographical scope of their services for objective reasons of their own. However, they may not discriminate EU citizens on ground of nationality or their place of residence. It would therefore be illegal to refuse you as a client because you are Bulgarian or because you hold a Bulgarian driving license (which in practice would have the same effect as discrimination based on nationality).

EUROPEAN ECONOMIC AREA, SWITZERLAND, SCHENGEN

How EU rules apply in a wider Europe

334.

In which European countries do EU rules apply?

As EU law, they apply in the 27 EU Member States: Austria, Belgium, Bulgaria, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, and United Kingdom. Due to the European Economic Area (EEA) Agreement and the EU-Switzerland Agreement, rules on the coordination on social security schemes apply also with regard to Iceland, Liechtenstein, Norway and Switzerland.

335.

Can I rely on EU rules in Norway, for instance?

Norway is part of the European Economic Area (EEA). The EEA includes all EU Member States and is based on the same "four freedoms" as the EU: the free movement of goods, persons, services, and capital among the EEA countries. The non EU members of the EEA (Iceland, Liechtenstein and Norway) have agreed to implement EU legislation in some areas of EU law, including social policy and consumer protection.

336.

And what about Switzerland?

Relations between Switzerland and the European Union (EU) are framed by a series of bilateral treaties, the sum of which makes most rules on the coordination on social security schemes applicable to Switzerland. An agreement between the EU and its Member States, of the one part, and Switzerland, of the other part, of 1999, is the basis for the free movement of persons between the EU and Switzerland.and Switzerland a virtual member of the EEA. Most EU law applies universally throughout the EU, the EEA and Switzerland, providing most of the benefits of the free movement of people, goods, services and capital that full Member States enjoy.

337.

What are the main differences in the rules applicable to the EU, on the one hand, and to Iceland, Liechtenstein, Norway and Switzerland on the other?

In respect of the above questions and answers, one main difference between the EU, on the one hand, and Iceland, Liechtenstein and Norway and Switzerland on the other hand, is that the application of new EU acquis will depend on its incorporation into the EEA Agreement and the EU-Switzerland agreements, respectively. As regards the EEA, the Agreement provides for a mechanism which allows for a quick incorporation and application of new EU acquis in Iceland, Liechtenstein and Norway; this is not necessarily the case of the agreements with Switzerland, in which there is not always a specific mechanism to ensure that new EU acquis will indeed become applicable in the relations with this country. In both cases, until the incorporation takes place, the old rules apply. For example, Directive 2005/36/EC on the recognition of professional qualifications was incorporated in the EEA Agreement in 2007 but it has not been yet incorporated in the Free Movement of Persons Agreement with Switzerland, and therefore is not applicable in the relations between the EU and this country. The information available on the Your Europe portal, in particular the “Work” section, points out the main differences.

The EU and Schengen

338.

And how do the Schengen Agreements fit into that picture?

The Schengen Agreements have created a zone without controls at the internal borders called the Schengen Area. The Schengen Area operates like a single state for international travel purposes with border controls for travellers travelling in and out of the area, but with no internal border controls. The Schengen Agreements initially developed outside the framework of the EU, which explains why two non-EU countries, Norway and Iceland (who were already part of the Nordic Passport Union with Denmark, Finland and Sweden) are part of it. Later, Switzerland joined and Liechtenstein is expected to join by the end of 2011. Although the Schengen rules have become part of EU law, two EU countries have not opted in: Ireland and the UK. The Schengen area also includes de facto three European micro-states: Monaco, San Marino, and Vatican City.

339.

So Romania and Bulgaria are part of the Schengen Area?

Not yet. To join the Schengen area, Romania and Bulgaria, need to meet certain requirements set out at the time of their accession to the EU. Once all the rules regarding external borders control are implemented by both countries, EU Member States will be in a position to decide on the lifting of internal border controls.